TEXTBOOK CAPER NORMAN GOVER

THE NATION

NOVEMBER 8, 1971 50 cents

Executive Privilege

SECRECY IN A FREE SOCIETY

Sen. Sam J. Ervin, Jr.

Pakistan: What Never Gets Said

Paul Deutschman

Grand Jury on Trial

MAYOR DALEY'S WAY WITH JUSTICE

Jon R. Waltz

T. S. Eliot: The Invisible Poet / Roberts W. French

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LETTERS

money vote

New York City

DEAR SIRS: My wife and I have, as usual, received a funds-solicitation letter from the chairman of the Democratic National Committee in preparation for the 1972 campaign.

We wrote in answer that, because of the recent defeat of Senator Hughes for temporary chairmanship of the Credentials Committee, we were not going to contribute to the Democratic Party this time around—that we would contribute directly to the candidates, and to groups like the Council for a Livable World.

The Democratic old guard is hard to dislodge, and as long as they control the National Committee that body should have its financial strength whittled down as much as possible. They constitute Nixon's secret weapon, as we learned in 1968. Conceivably others of your readers may be inclined to write similar letters to Mr. O'Brien.

Theodore Wilson

citing scripture

St. Louis, Mo.

DEAR SIRS: Is Anne Tuckerman [editorial, *The Nation*, Oct. 11] one of us (you know, the heretics) or one of *them* (writers of the Gospel according to Washington)? "With the war in Vietnam *waning*" is what I read, but surely it can't be what was meant.

I won't insult my favorite magazine by refuting this judgment, for you have been doing this quite well ever since we've been hearing phrases like that from *them*.

Babette F. Silverblatt

question of pride

Sacramento, Calif.

DEAR SIRS: This letter is in response to a letter from Donald E. Johnson, VA administrator [*The Nation*, Oct. 11], concerning the article "The Wounded Wait in Line" by Jim Castelli. As I hear it, Mr. Johnson says, "What's important is that what's crappy is getting less crappy." We "anti-institutionites" say, "What's important is that what exists is crappy, and the answer isn't making it less crappy but making it good—something we can be proud of." This philosophy applies not only to VA health care but also to health care for our nation and the entire world. Our current institutions are not effective in establishing good health care for veterans, American citizens. . . . We must not be afraid to face up to the possibility that all of our current institutions should be abandoned or radically reorganized in order to achieve the goal of making us proud of the way they function.

Glen G. Cayler, M.D.

early warning

Akron, Ohio

DEAR SIRS: Susan Welch's research in "Vietnam: How the Press Went Along" [*The Nation*, Oct. 11] is interesting but incomplete.

As editor of the *Chicago Daily News*, *Detroit Free Press*, *Miami Herald* and the *Akron Beacon Journal*, I opposed our impending involvement as early as 1952, pointed out in 1954 that SEATO was actually no commitment since we ignored our constitutional processes, and consistently informed our readers that our official Saigon and Washington dispatches on the war contained no truth whatsoever.

I seek no personal credit for having been right. But I prefer not to be included, even without personal reference, as a member of the press which "did play a pivotal role in developing and sustaining public acceptance of the administration's views."

John S. Knight

EDITORIALS

The Awful Truth

During a week or more of confused discussion and speculation over possible Nixon-Mitchell nominees to the two Supreme Court vacancies, it was being suggested that the President was engaged in a sophisticated "game plan" to confound his critics and handcuff the Democratic opposition. The scenario unfolded as follows: the original list of six possible nominees was leaked to the press for the purpose of laying the groundwork for prompt confirmation of the President's secret or standby nominees, Messrs. Powell and Rehnquist. The President's Southern supporters would, of course, be pleased by the six names. One of these names—Robert Byrd—would upset the Democratic Senators, some of whom would be afraid to vote against a colleague. Thus the President would be tasting sweet revenge for his humiliation over the Haynsworth-Carswell nominations.

To heighten the suspense, so to speak, the Administration then told the ABA screening committee to give priority to its investigations of Judge Mildred Lillie of Los Angeles and Herschel Friday of Arkansas. That Judge Lillie seemed to be favored would please all those who wanted to see a woman nominated. At the same time, it would create consternation among those Senators who would not want to vote against a woman nominee but who might be vividly aware of Judge Lillie's lack of qualifications. As the wave of concern crested, the President would then present the names he had been carrying around in his pocket all the time. Accepting this theory, one might well conclude that Richard Nixon is a modern-day Machiavelli.

But the awful truth is that the President and Mr. Mitchell were at all times quite serious about the original six names. After calculating the political percentages, they had concluded that on this, "the fastest track in the nation"—to use the President's inexcusably vulgar phrase—more mileage was to be obtained from the appointment of Judge Lillie and Mr. Friday than from any combination of the other four. The evidence strongly suggests that the names of Messrs. Powell and Rehnquist were hastily conjured up to offset the effect of the ABA's 11-to-1 vote that Judge Lillie was not qualified, and its 6-to-6 split on a motion to record the committee as "not opposed" to Mr. Friday.

This interpretation is confirmed by the Attorney General's revocation of the screening arrangement which he himself had initiated with the ABA in 1970—as a way to add pressure, so he imagined, on the Senate to confirm the next Nixon appointments. It seemed a safe enough device—who ever heard of the ABA turning down a conservative or a "strict constructionist"? Further confirmation may be found in the President's remark that he was sorry about Judge Lillie; he had really wanted to appoint a woman to the Court (as though Judge Lillie were the only woman jurist in the nation whom he might have appointed!). Actually, advance announcement of a list of possible appointees was not such a bad idea. It provided an opportunity to study the backgrounds and qualifications of those being considered and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

also afforded time in which possible adverse information might emerge. For example, it wasn't until his name appeared on the list of six that it became known that Senator Byrd had once written a Biblical defense of segregation. So, too, the screening arrangement with the ABA had something to be said for it. Now both procedures have been scrapped.

All in all, a bizarre performance. As noted in the past, one of the most disquieting aspects of the Nixon problem is that he is *not* a Machiavelli. If he were, one might discover a pattern in his actions, however deplorable. But to play successfully at Machiavelli, one must have a philosophy or at least a set of values; Nixon has neither. He is not a Renaissance schemer in modern guise. He is, all too obviously, an upwardly mobile American of lower-middle-class origins who is now, as he was when he first entered politics, strictly "on the make." His basic "value" is that whatever advances the ambitions of Richard Nixon is worth doing; anything that does not is to be avoided, if not detested. Those of his various moves and ploys that excite the admiration of Nixon watchers as masterful examples of political sleight-of-hand, usually turn out to be further illustrations of his embarrassing opportunism. Eugene McCarthy has put it accurately: "Nixon's a faker. . . . He always tries to do things cheaply" (*The New York Times Magazine*, October 24).

The Senate's Job

Now the danger is that, deeply relieved that none of the original six were named, the Senate will too rapidly and too readily confirm Messrs. Powell and Rehnquist to the Supreme Court. As Senator Javits has pointed out, many Senators take the position that if Court nominees have a good character and possess the necessary professional qualifications they should be confirmed without further inquiry. But this attitude overlooks the fact that the Supreme Court is an independent coordinate branch of the government. Justices are appointed not for the duration of an administration or for a term but for life.

In a way, the Supreme Court is the apex of the American structure of government. Originally it was proposed, and twice agreed to by roll-call votes at the Constitutional Convention, that the Senate should appoint Supreme Court justices without any participation by the President. Later it was decided that the President should appoint, with the advice and consent of the Senate. But as Senator Javits notes, this was a compromise, not a capitulation. Mr. Powell and Mr. Rehnquist have the necessary professional qualifications and both enjoy good reputations. But Senators will be shirking their responsibilities if their inquiry does not extend well beyond such matters.

Now, perhaps more than at any time in the past, it is important that the public should respect the Court as an institution: that means, in practical effect, that it must have confidence in the wisdom, fairness, social morality and breadth of vision of its members. The public has been put on notice that the President and Mr. Mitchell are out to change the character of the Court; they want to reverse the trend of Supreme Court decision making, in certain fields, of the last twenty years. It is also apparent, from the Haynsworth-Carswell nominations and

IN THIS ISSUE

November 8, 1971

EDITORIALS

450

ARTICLES

454 Executive Privilege: Secrecy in a Free Society — *Sen. Sam J. Ervin, Jr.*

457 Pakistan: What Never Gets Said — *Paul Deutschman*

460 A Grand Jury on Trial: Mayor Daley's Way With Justice — *Jon R. Waltz*

468 Playing Percentages: The Big Textbook Caper — *Norman Gover*

BOOKS & THE ARTS

470 Sencourt: T. S. Eliot / Eliot: The Waste Land — *Roberts W. French*

471 The Air Children (poem) — *Irving Feldman*

472 Lavin: Collected Stories / Farrell: Troubles — *Vivian Mercier*

473 Gornick and Moran, eds.: Woman in Sexist Society — *Margaret Lichtenberg*

474 The Spider (poem) — *Robert Vas Dias*

475 Gold: The Magic Will — *Robert K. Morris*

476 Stage & Film — *Harold Clurman*

477 Art — *Lawrence Alloway*

477 Letter Home (poem) — *Jonathan Matthew Schwartz*

Publisher
JAMES J. STORROW Jr.

Editor
CAREY McWILLIAMS

Associate Publisher
GIFFORD PHILLIPS

Executive Editor
ROBERT HATCH

Literary Editor
EMILE CAPOUYA

Copy Editor, MARION HESS; Poetry Editor, ALLEN PLANZ; Theatre, HAROLD CLURMAN; Art, LAWRENCE ALLOWAY; Music, DAVID HAMILTON; Science, CARL DREHER; Advertising Manager, MARY SIMON; Circulation Manager, ROSE M. GREEN.

Editorial Associate, ERNEST GRUENING

Washington, ROBERT SHERRILL; London, RAYMOND WILLIAMS; Paris, CLAUDE BOURDET; Bonn, C. AMERY; Canberra, C. P. FITZGERALD; U.N., ANNE TUCKERMAN

The Nation is published weekly (except biweekly in July and August) by the Nation Company and copyright 1971 in the U.S.A. by the Nation Associates, Inc., 333 Sixth Avenue, New York, N. Y. 10014. Tel: CH 2-8400. Second class postage paid at New York, N. Y.

Subscription Price: One year $12.50; two years, $23. Add $1 per year postage for Canada and Mexico; $2 other foreign.

Change of Address: It is essential that subscribers ordering a change of address give five weeks' notice and provide their old as well as their new address. Please give Zip Code numbers for both addresses.

Manuscripts. All work submitted will be read by the editors. The magazine cannot, however, be responsible for the return of unsolicited manuscripts unless they are accompanied by stamped, self-addressed envelopes.

Information to Libraries: The Nation is indexed in Readers' Guide to Periodical Literature, Book Review Digest, Book Review Index and the Public Affairs Information Service.

THE NATION

Volume 213
No. 15

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from scrutiny of the original list of six, that neither the President nor the Attorney General would scruple to diminish the importance of the Court as an institution. Today, with the federal government rapidly usurping from the states the function of law enforcement, it is important to know something about the law-enforcement philosophy of Supreme Court nominees. There is a clear danger that the President may stack the Court with nominees who do not sense the need for institutional adjustment and adaptation in a time of rapid social change.

Against this background, the Senate should hold full and thorough hearings on both nominations. It should be concerned with their qualifications in the broad sense: the quality of their minds, how they view certain social issues, their outlook on matters of national concern, their capacity for independent judgment, their devotion to the Bill of Rights. Senator Javits says that his criteria deal not with ideology but with "ability, judicial temperament, discernment and understanding," which is not a bad specification. Mr. Powell wisely acknowledges the propriety of a broad inquiry; he would not "regard any inquiry as off limits." The Senate needs to discover more about the views of both nominees on certain issues than is now known to it or to the public. What are Mr. Rehnquist's views on the limitations of dissent in a free society? What role did he play in the mass arrests that were made in Washington, D.C.? What does Mr. Powell mean when he inveighs, as he has, against "supine tolerance of marching mobs of mindless demonstrators"? What are his present views about wire taps in so-called "domestic security" cases? In brief, the Senate's inquiry should go directly to the question of whether these two men measure up to the standards which the public has a right to expect of Supreme Court nominees. The public is entitled to the Senate's judgment as well as the President's.

The China Vote

On November 18, 1949, Chou En-lai, Foreign Minister of the new People's Republic of China, cabled U.N. Secretary-General Trygve Lie informing him of a change of regime in mainland China and asked that the U.N. substitute his representatives for the "illegal" Nationalist delegation. Twenty-two years later, Mr. Chou got his reply: the General Assembly had expelled the delegation of Chiang Kai-shek and was ready to receive him.

This momentous event in the history of the United Nations compares in meaning and drama to the General Assembly action that created the state of Israel in 1948. The United States lost its two-China battle because its position was untenable from the start. All the energy of former Congressman George Bush could not obscure the fundamental contradiction of a policy that favored dialogue with Peking while effectively blocking its entry into the United Nations. With the existence for the first time of a real consensus that the time had come to seat the government controlling more than 750 million people, the sophistry of "dual representation" in the face of Peking's adamant claim to sovereignty over Taiwan escaped few delegations. The psychology was wrong, and so was the timing of Henry Kissinger's second visit to Peking. With the minute margin Ambassador Bush thought he had attained, the slightest shift brought out the bandwagon of those who did not wish to be left out of the new Asian era.

Insofar as the American public and its legislators in Washington are nonplussed by the U.N. vote, they are suffering a delayed reaction to President Nixon's about-face on China policy, made public when he announced, in July, his plan to visit Peking. The effects of what had appeared to many as a self-serving stunt are starting to emerge. It is to be hoped that, as more of them become evident, the arch-conservatives will not revive the mentality of moralizing hysteria which had largely faded away. But the pique shown by the White House over the scene of celebration at the U.N. when the China vote was in, and the Administration's hypocritical denial of any intention to "retaliate," while lending verbal support to the would-be retaliators in the Congress, make any such hope for restraint and understanding seem pious.

As for the Chinese Communists, it is impossible to predict at this time what role or roles they will choose to play in the United Nations: to attack, to transform, to work, or to listen. The only certainty is that their presence will bring the organization into a new phase of its life.

ANNE TUCKERMAN

Brandt and the Peace Prize

Two Nobel Prizes were awarded in the latter part of October. One, for eminence in literature, requires little comment. It went to Pablo Neruda, 67, a Chilean poet who is also his country's ambassador to France. Generally recognized as Latin America's greatest living poet, Neruda has been a perennial nominee for the literature prize and has been repeatedly turned down only because he was an avowed Communist. Influenced perhaps by the fact that in Chile the Socialist Party of President Salvador Allende is considerably to the left of the Communists, the Swedish Academy finally gave in.

The day before Neruda received the award for literature, Chancellor Willy Brandt of West Germany was honored by the Nobel award for peace. This particular award is managed by a five-man committee of the Norwegian parliament. Forty persons were nominated and the committee chose Brandt unanimously. The 1971 peace award is enmeshed in the complexities of German politics and the committee members must have done some hard thinking before they decided to bestow the prize on Brandt. What effect their decision will have on Brandt's political fortunes, on which the fortunes of Europe hinge to no insignificant extent, is a fascinating question.

Herr Brandt has pending nonaggression treaties with the Soviet Union and Poland. It was, in fact, on the basis of these treaties, and on his efforts over the years to improve German relations with the East, that Brandt was chosen for the prize. The chairman of the selection committee in Oslo said as much: "As leader of the government of the Federal Republic of Germany and on behalf of the German people, Willy Brandt has stretched out his hand to reconciliation between countries that have long been enemies."

But while stretching out his hand, Brandt stands on the edge of a parliamentary precipice. The old-line Ger-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mans are assailing him for having "sold out" Germany in his negotiations with Moscow and Warsaw. Brandt rules by virtue of a coalition of his Social Democrats with the small Free Democratic Party, which fared badly in a recent by-election. He has a margin of only six in the Bundestag of 496. In Bonn's upper house, the Bundesrat, his coalition is in the minority. If the Bundesrat rejects the treaties, Brandt must get an absolute majority in the Bundestag—249 votes. At present he has only a paper-thin margin by which to override the upper house —251 votes—and he has no assurance of holding all 251. He might pick up some defections from the opposition Christian Democratic Union, but that is speculation.

Brandt's best hope lies in popular support in West Germany. Older Germans remember Hitler, and educated young Germans have some idea of what went on after the Nazis came to power in 1933. In 1935 the Nobel Peace Prize went to the Junker pacifist, Carl von Ossietzky, who was to die slowly in a Nazi concentration camp. Brandt is the first German since Ossietzky to receive the peace prize—and the first to deserve it. What course the West Germans will take is of overriding international importance. If the treaties are turned down, the well-founded Soviet phobia about Germany will revive in full force. Men of good will everywhere will rejoice at the honor bestowed on Willy Brandt, but its political effect remains to be seen.

The Nominator

In an obscure newspaper item, we noticed that among those who had nominated Willy Brandt for the Nobel Peace Prize was Dr. Wolfgang Yourgrau, a professor of the history of science at Denver University. Pleased to see that someone in this country had had something to do with a nomination of which we heartily approved, we aroused him out of a Sunday nap by telephone, and learned the following:

Dr. Yourgrau was born in Germany of a Belgian father and a German-Jewish mother. He attended the University of Berlin, majoring in physics. He was one of the organizers of a small splinter offshoot of the Socialist Party, opposed to the Communists and the Social Democrats alike, and of course anti-Fascist. He was recruited by and served with the American OSS during the war, and subsequently came to the United States. He has been at Denver for the past eight years.

He remained politically active to the extent of lecturing from time to time in Sweden and Norway, at the University of Oslo and elsewhere. He has also lectured in both East and West Germany. He feels that it is important to try to explain some aspects of U.S. policy in both camps and to keep in touch with German opinion, East and West. In August 1970, and again in November, he wrote letters to the nominating committee, suggesting Brandt as a suitable recipient of the Nobel Peace Prize.

Yourgrau has never met Brandt and has no ties whatsoever with him. He nominated him because he thought that what Brandt had done and was doing was of the greatest importance. Yourgrau is in the fortunate (and rare) position of being able to talk to East and West without being subservient to either. His basic loyalties are firm. Operating from a base in the United States and with his war record, he is in a position to be impartial and to speak candidly to both sides. Brandt, it seemed to Yourgrau, was a key figure for somewhat the same reasons, although, since he occupies a high official position, there are differences in their respective approaches. Nonetheless, Brandt is the only statesman Yourgrau knows about who can journey to Moscow and to Washington, and in each capital say exactly what he thinks and what needs urgently to be said.

Yourgrau does not know whether, on balance, Brandt's status as a Nobel laureate will harm or help him in the internal politics of Germany. There were both long and short-term reasons for nominating him. In practical politics one must take chances. There were five Brandt nominators besides Yourgrau but the fact that Yourgrau, an American, is known in Sweden and Norway may have helped. Regardless of the amount of influence Yourgrau's initiative may have exerted, it is good to know that someone in this country saw what needed to be done, and did it.

Nursing Nixon

The Secret Service, charged with protecting the President, appears to be also engaged in the political role of selecting his audiences for him. When Mr. Nixon appeared at Billy Graham Day ceremonies in the Charlotte, N.C. Coliseum on October 15, local policemen, Secret Service men and unidentified "marshals" barred from the building long-haired males and persons in "hippie" attire, even if those persons had tickets.

The affair had been widely advertised as a "nonpolitical" event by the Charlotte Chamber of Commerce. Free tickets were available from local banks on a first-come-first-served basis. Some 13,000 persons filled the Coliseum to see Nixon and Graham pay tribute to each other. A private reception for Graham, complete with cruciform sandwiches, was attended later by President and Mrs. Nixon.

Many anti-Nixon protesters—including members of a local organization, the Charlotte chapter of Vietnam Veterans Against the War, and a number of college students —were turned away from the public ceremony. There was a large, well-mannered contingent from nearby Davidson College, a small Presbyterian institution. More came from other local colleges, and a group of about twenty-five made the 125-mile trip from the University of North Carolina at Chapel Hill.

At first ushers told the students they could not enter with banners, but explained to newsmen that everyone would be "welcomed without banners." It soon became evident, however, that the youths weren't going to be admitted under any circumstances—and during the course of the afternoon more than 100 were denied admission. Some were tossed out bodily with no explanation; others were informed that their tickets were "counterfeit," and many had their tickets ripped up.

But the broad broom used by the "marshals" also swept away many innocent and unsuspecting citizens—including some Nixon supporters. Three off-duty newsmen from WBT radio—one of whom had worked actively in Nixon's Presidential campaign—said the marshals "literally threw

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

us out," apparently because they carried leaflets handed to them by the protesters. A 35-year-old housewife and her fourth-grade son were ejected when a marshal saw them speaking to a long-haired youth through a window.

A Quaker Sunday school class of 12- and 13-year-olds who'd come to see their Quaker President, the 16-year-old daughter of a superior court judge and two grandchildren of a former Charlotte mayor received the same treatment. "Of course they had on blue jeans," said the mother of the latter two in an angry letter to the editor of the Charlotte *Observer*. "Of course his hair is long. Isn't your son's?" By the time it was all over, five youths had been arrested.

"It wasn't the Secret Service," said Deputy White House Press Secretary Gerald Warren. "It must have been local people." Local officials said, however, that the Secret Service gave the orders.

Charlotte Chamber of Commerce President Charles Crutchfield, the initiator of the Graham Day program, said the decision to bar people from the Coliseum was based on intelligence reports that "several hundred young people who had long hair and [who would be] dressed like hippies . . . would take over the stage and disrupt the program." He added that "the Secret Service instructed the police to examine very carefully all people with long hair and beards." One of the demonstrators said later that Crutchfield was crediting them with more organization than they ever dreamed of.

Few people would deny that the Secret Service should act when the President is directly threatened. But the arbitrary actions in Charlotte show that it was more interested in preventing embarrassment than harm to Mr. Nixon. Such actions are taking on a pattern. Similar ones occurred when he appeared in Dayton in September.

Former Secret Service agent Rufus Youngblood, who protected Lyndon Johnson in Dallas when John Kennedy was shot, says agents today have to be "Nixon men" to get anywhere. Perhaps that explains a lot.

WILLIAM ARTHUR, JR. and POLLY PADDOCK

EXECUTIVE PRIVILEGE

SECRECY IN A FREE SOCIETY

SEN. SAM J. ERVIN, Jr.
Senator Ervin (D., N.C.) is chairman of the Subcommittee on Separation of Powers of the Senate Judiciary Committee.

Washington

I am alarmed, as are my colleagues in the Congress, by the increasing frequency with which the executive branch withholds from Congress information vital to its legislative functions. Congress' decision-making role cannot be denied, but by the invocation of "executive privilege," the President, in effect, excludes the legislature from meaningful participation in that process. This dangerously expanding trend toward government by secrecy negates the constitutional principle of "accountability" as envisioned by the founding fathers, and does violence to the principle of separation of powers upon which our system of government is based.

The term "executive privilege," as currently used, most commonly refers to a situation in which the executive branch refuses to divulge information requested by the Congress. It is a term employed more often by members of the legislative branch and by scholars than by the members of the executive branch who willfully withhold information. As I use the term, it refers to the executive branch's denial of any kind of information to any person, be he a member of the Congress or of the taxpaying public.

The recent controversies surrounding the publication of the so-called "Pentagon Papers"; the court fight for the release of the Garwin Report on the SST; Representative Mink's pending suit against the Environmental Protection Agency, seeking release of the report on the AEC's proposed nuclear test on Amchitka Island, and the denial to Senator Fulbright of access to the five-year foreign military assistance plans have brought the issue sharply into focus in the public mind.

At issue in any consideration of executive privilege are three conflicting principles: the alleged power of the President to withhold information, the disclosure of which he feels would impede the performance of his constitutional responsibilities; the power of the legislative branch to obtain information in order to legislate wisely and effectively, and the basic right of the taxpaying public to know what its government is doing.

These opposing principles have clashed in almost every administration since the legislative branch undertook an investigation of the St. Clair Expedition during George Washington's first term as President. Without questioning the propriety of the investigation, President Washington asserted:

> First, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit and ought to refuse those, the disclosure of which would injure the public: consequently were to exercise a discretion. Fourth, that neither the committee nor House had a right to call on the Head of a Department, who and whose papers were under the President alone; but that the committee should instruct their chairman to move the House to address the President.

In spite of his contention that the executive possessed the discretionary power—or duty—to refuse to communicate any information "the disclosure of which would injure the public," all of the St. Clair documents were turned over to the Congress.

There is ample precedent for the view that Congress has the power to institute inquiries and exact evidence. "The power to legislate carries with it by implication ample authority to obtain information needed in the rightful exercise of that power and to employ compulsory

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

process for the purpose. . . ." *McGrain* v. *Daugherty* 273 U.S. 165 (1927).

Although the Constitution is silent with regard to the existence of executive privilege, its exercise is now asserted to be an inherent power of the President. Its constitutional basis allegedly derives from the duty imposed upon the President under Article II S.3 to see that the laws are faithfully executed. The President claims the power on the ground that he must have it in order to provide the executive branch with the autonomy needed to discharge its duties properly. Inasmuch as "the President alone and unaided could not execute the laws . . .," but requires "the assistance of subordinates"—*Myers* v. *U.S.* 272 U.S. 117 (1926)—the alleged authority to exercise executive privilege has been extended in practice to the entire executive branch.

In theory, the release of information from the executive branch is governed in part by Executive Order No. 10501, issued by President Eisenhower, and amended by him in Executive Order No. 10816, and by President Kennedy's Executive Order No. 10964. These orders establish a system of security classifications for information on defense matters whose release might injure or embarrass our national defense or our relations with foreign nations. Such orders are not authority to assert executive privilege; they simply forbid or restrict disclosure of classified material.

President Kennedy attempted to end the practice of delegating to employees of the executive branch the authority to claim executive privilege. In a letter to the House Foreign Operations and Government Subcommittee in 1962, he stated that the basic policy of his administration would be that "Executive privilege can be invoked only by the President and will not be used without specific Presidential approval." Presidents Johnson and Nixon reaffirmed this policy. Thus, theoretically, procedures instituted in the executive branch would place with the President the ultimate decision and responsibility for the exercise of executive privilege. However, throughout my years in the Senate, I have learned that there is a great discrepancy between theory and practice, a discrepancy demonstrated, among other ways, by Congress' continuing inability to obtain information from the executive branch.

The asserted doctrine of executive privilege has developed unrestrained. In the absence of any Congressional statutory authority or constitutional grant of the power, the will of each succeeding President has been substituted for legislation in the field. A contest of political power between the President and Congress has superseded the proper administration of federal functions by the President under the restraints that would be provided by effective legislative oversight. Nor have the courts given any definite guidance on the issue, although the *Reynolds* 345 U.S. 1 (1953) and *Curtiss-Wright* 299 U.S. 304 (1936) cases do contain some dicta relating to the problem.

The assertion of executive privilege, or the power to withhold information, written and spoken, from Congress and the public under the assumed "inherent executive power," must I think be viewed in the context of the slowly but steadily increasing power of the executive—a development that has been duly noted by numerous political and legal scholars. This increased power has enabled the executive branch to make crucial decisions without answering to any system of formal "accountability" for the exercise of such powers beyond the Presidential election every four years. Because the President has been able to act through Executive Orders without the inconvenience and restraints of Congressional authorization or delegation of power, the principle of the separation of governmental powers has been seriously eroded.

In all candor, we in the legislative branch must confess that the shifting of power to the executive branch has resulted from our failure to assert our own constitutional powers. Other than issue sporadic complaints, members and committees of the Congress have done little to prevent the executive branch from withholding information when, in its sole discretion, it determined that secrecy was necessary—or politically desirable. Moreover, through the almost unlimited delegation of authority to the bureaucracy, Congress has actively encouraged the aggrandizement of executive power. The executive branch has access to information which the Congress cannot possibly match, and it has asserted the discretionary authority to employ that data in performing its myriad tasks. I fear that the steady increase of executive power has come close to creating a "government of men, not of laws."

The practice of executive privilege, it seems to me, clearly contravenes the basic principle that the free flow of ideas and information, and the open and full disclosure of the governing process, are essential to the operation of a free society. Throughout history, rulers have imposed secrecy on their actions in order to enslave the citizenry in bonds of ignorance. By contrast, a government whose actions are completely visible to all of its citizens best protects the freedoms embodied in the Constitution.

Moreover, it is clear that the invocation of executive privilege is contrary to the spirit, if not the letter, of the Freedom of Information Act (5 U.S.C. 552), which Congress passed with the express purpose of expanding to the fullest practical extent the full disclosure to the public of the actions of the government. While it provides for nine specific exceptions, it likewise specifies that none of those exceptions constitutes authority to withhold information from the Congress. Section (4)(c) of the Act explicitly states, "This section is not authority to withhold information from Congress."

It also can be argued with some cogency that the practice contravenes the philosophical thrust of the 1952 Supreme Court case of *Youngstown Sheet & Tube Co.* v. *Sawyers,* 342 U.S. 579, where the Court invalidated President Truman's seizure of the steel mills by Executive Order. The several majority opinions in that case indicate that Congress is a co-equal branch of the government, and that its prerogatives may not be usurped or impeded by actions of the executive.

Beyond the penchant for maintaining secrecy through the invocation of executive privilege, a more generalized attempt is made to withhold information through the classification system, the infirmities of which were so clearly reflected in the recent furor over the Penta-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

gon Papers, and in the general failure or refusal to disclose data which are of potential interest to the public. When the people do not know what their government is doing, those who govern are not accountable for their actions—and accountability is basic to the democratic system. By using devices of secrecy, the government attains the power to "manage" the news and through it to manipulate public opinion. Such power is not consonant with a nation of free men. Thus the exercise of the assumed power of executive privilege is of basic importance to our governmental system, and the ramifications of a growing policy of governmental secrecy is extremely dangerous to our liberty.

The Senate Judiciary Subcommittee on Separation of Powers, of which I am chairman, was mindful of these dangers when it initiated its study on the subject, and recently held hearings on executive privilege. It found that the nation's history contains many examples of Congressional demands for information that have been countered with the invocation of executive privilege or some other bureaucratic excuse for failing to reply. These practices include delaying tactics which continue for so long that the information, when submitted, is no longer pertinent, and the placing of security classifications upon information that is supplied, thereby preventing any meaningful use of the data. Such practices reflect a certain contempt for Congressional requests for information and an apparent disdain for the right of the American people to be informed fully about the operations of their government.

As chairman of another subcommittee—the Senate Judiciary Subcommittee on Constitutional Rights—I have for some time attempted to obtain information pertinent to a study of Army surveillance and data bank programs which infringe on the privacy and First Amendment rights of citizens. While some of my requests for information and for the appearance of witnesses have been granted, the most important have been denied for the following stated reasons:

> . . . we are precluded by consistent Executive branch policy from releasing to the public. (*J. Fred Buzhardt, General Counsel, Department of Defense*)
>
> Inappropriate to authorize the release of these documents. (*Melvin Laird, Secretary of Defense*)
>
> This information is solely for your use in conducting your inquiry. (*R. Kenly Webster, Acting General Counsel, Department of Army*)
>
> The records . . . cannot be obtained without an inordinate expenditure of time and effort. (*R. Kenly Webster, Acting General Counsel, Department of Army*)
>
> No useful purpose would be served by a public report on the materials. . . . (*J. Fred Buzhardt, General Counsel, Department of Defense*)
>
> *I* do not believe it appropriate that the general officers in question appear before your Subcommittee, but that any "desired testimony". . . should be furnished by *my* designated representative. (*Emphasis added.*) (*Melvin Laird, Secretary of Defense*)

Implicit in these rebuffs to me and the subcommittee is the assumption of these officers of the executive branch that they are entitled to dictate what may appropriately be investigated and the scope of any such "appropriate" investigation.

In action, our system of government is not one of strictly separated powers, but a government based upon the concept of separate but balanced powers, divided along functional lines. For obvious reasons, such a system could not and does not operate in strict conformity to the underlying principle.

The founding fathers fully understood that governmental responsibility must be shared in order to make the whole fabric of government viable. Yet they knew that each branch must maintain a basic respect for the duties and prerogatives of the other branches and that such divisions are mandatory in order to avoid the undue accre-

Vadillo, Siempre (Mexico)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion of power in any one branch of the federal government. As Madison observed in the *Federalist No. 48*, "After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary, the next and most difficult task is to provide some practical security for each. . . ."

However overlapping the functions of the three branches may be, and however imprecisely the system may seem to work, the doctrine of separation of powers itself is based upon good and sound grounds and the ends it was designed to serve 200 years ago are at least as important today. Legislative remedies being considered by the Subcommittee on Separation of Powers would afford the legislative and executive branches an opportunity to seek together some common ground that would more clearly define the powers, duties and prerogatives of the two branches in this sensitive area. We must remember at all times that cooperation between the Congress and the executive is essential, if the government is to operate efficiently. That pressing requirement makes it mandatory that we seek and find an amicable settlement to the problems involved in the use of executive privilege to prevent Congress and the American people from knowing the details of executive actions. To paraphrase Woodrow Wilson, warfare between the legislative and the executive branches can be fatal. □

Pakistan: What Never Gets Said

PAUL DEUTSCHMAN

Mr. Deutschman has been a foreign editor of Life, *an official in the Marshall Plan and in AID, and a foreign correspondent covering Europe, Asia and Africa. His first novel is scheduled for publication by Dial Press next year.*

There are very large aspects to the present troubles in Pakistan and the entire Indian subcontinent about which nothing is ever said. Both press coverage and public speculations concentrate on what is readily visible—the genocidal war waged by the Pakistani Army against the people of East Pakistan; the independence movement there; the terrible plight of the millions of refugees who in the past several months have crossed over into India; revelations about the possible malfeasance, stupidity or just plain bumbling bureaucracy involved with the delivery of those shiploads of military hardware; the economic aid cutoffs recently voted through Congress, etc.

At the risk of seeming to lack compassion, I think the time is long overdue to mention some of the unmentionables. They may give some clues as to what our government may well be contemplating within the closed chambers where all those top-secret papers are composed and contingency tactics mocked up. It may also reveal a possible way out of the present impasse. And if a way out is not found, the public must prepare itself for some really rude future shocks in the next few weeks.

There is, to begin, the background of unspoken emotional and psychological realities. For example:

(*1*) The subcontinent is beset by harsh tribal differences and enmities. At the time of partition, the two chief "warrior tribes" of the area, Punjabis and Sikhs (joint mainstays of the old British Indian Army), arrayed themselves on opposite sides and formed the mainstays of the Pakistani and Indian Armies.

Further, the Moslems of West Pakistan (fantasizing themselves as descendants of the Mogul conquerors) feel disdain for all the Hindus—those within their own borders (both "wings"), certainly, and also those in India. They make an exception, perhaps, for the Sikhs, whom they simply hate—a sentiment that is staunchly reciprocated. Further still, far down the line in subcontinental "tribal" esteem—on both sides of the borders—are the supposedly meek and energyless Bengalis. Both nations tend to disregard and look down upon their respective Bengalis, whether of Moslem or Hindu religion.

(*2*) The religious differences are well known, but the outside world is insufficiently aware of the crucial fact that these differences are reflected in rival philosophies of statehood. *In principle*, Pakistan is a theocratic state and India a secular one. In India, the Moslems are a strong and integrated minority, part of the socio-political mainstream; in Pakistan, it is not unfair to say that Hindus are a merely "tolerated" minority—as peripheral to the mainstream there as, perhaps, Jews are in Morocco or Protestants in Italy.

This difference causes certain unmentioned problems: India can barely tolerate the *idea* of Pakistan, based, as it is, on religion, and thus the antithesis of its own premise for sovereign existence. Pakistan, meanwhile, cannot accept for very long the idea that some of the subcontinent's 60 million Moslems are not included within its borders—thus contradicting its premise for sovereign existence.

(*3*) We all "know" about the "fatalism" toward life in Asia. About the "grinding poverty"; about how the "people-hunger balance" teeters most dangerously there—the increasing production of grain and other basic foodstuffs, despite all efforts, being continuously outstripped by the increasing production of people. But unless you have personally immersed yourself in certain parts of Asia—have, for example, strolled along the back streets of Calcutta at sundown in summertime, or through downtown Dacca during the rainy season—you cannot understand how little difference there can be, truly, between life and death for so many Asians. And it is completely ironic, therefore, that the geographical cockpit of this present dispute encompasses both Calcutta and Dacca, undoubtedly the two most luxuriant cesspools of human misery on this planet.

Also, compassion aside, the East Pakistan refugees should be viewed in terms of living conditions they left behind them as well as those in which they now find themselves. We've seen photos of hungry, brutalized refugees living in cramped sections of sewer pipe in bare Indian fields. But we might also wish to see how the people down

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the road live—their new neighbors offering them succor. And what were their living conditions back home? There is a strong possibility that they have gone merely from misery to comparable misery. This does not, of course, discount for a single moment that most of them were fleeing for their lives.

(*4*) The disparity in both nations between what are generally known as "the ruling classes" and "the masses" also goes undiscussed. I'm not thinking so much of economic differences between "haves" and "have-nots" but of the psycho-emotional gulf between those *inside* the societal structure—whether rich, feudal, middle class (when that exists), intellectuals, professionals, technologists or officials—and those *outside* the societal structure —the peasants in their dusty villages and the urban proles in their soggy teeming streets. In both India and Pakistan, this disparity results in the existence of two virtually separate "nations" within would-be sovereign boundaries: an articulate, ambitious and often posturing "nation" of insiders (very limited in number, whether in politically, though not *economically,* democratic India, or in dictatorial Pakistan) and a seemingly acquiescent, plodding "nation" of outsiders. Moreover, it is futile to attempt to view this disparity between subcontinental "insiders" and "outsiders" in Western, or particularly American, terms. There is little similarity between, say, Richard Nixon backslapping through the villages of Middle America, or John Lindsay marching through the streets of Bedford-Stuyvesant, and Indira Gandhi, a finishing-school style Brahmin, sipping tea with members of a village *panchayat* down in the Ballabhgarh block, or Zulfikar Ali Bhutto, a pretentious feudal landlord, firebranding through Karachi slums on behalf of his "People's Party." In short, Americans seeking a modicum of realistic insight to the subcontinent would do well to realize that those who profess to speak for the masses of Indians and Pakistanis are hardly representative of their purported constituents.

(*5*) As for the national characteristics, if compelled to set down what I consider to be the basic qualities of the masses in each country, I would suggest that the Pakistanis have a kind of pensive sullenness veneered over an inexorable drive to suicide (the latter, because of centuries of being brainwashed as "great warriors"); and the Indians show a seemingly meek passivity that covers a terrible frustration (because of the still stifling caste system). And deep underneath, in both cases: violence. It is a tremendous violence that must erupt some day—and probably with most savage effect, in each case, against their own people. And if I had to bet on which would rise up first and lop off the unsuspecting heads of their "ruling classes," I would choose the Pakistanis, who are the more manipulated of the two peoples.

(*6*) That other unmentionable in the subcontinental emotional climate is color prejudice. This undermines the posturings of some of our own simplistic thinkers, but prejudice based on color—lighter-skinned against darker-skinned—is a dire fact of life in both countries. You have only to glance through the classified marriage ads in the daily newspapers—with their dozens of terms to denote exquisite gradations of skin tone—for the evidence. Or consider the attitudes of North Indians toward South Indians; or of Pathans, Punjabis and Baluchis of West Pakistan toward their darker-skinned Bengali national brothers of East Pakistan.

Beyond these factors is the entire range of political realities that we seem guilty either of passing over too lightly or of ignoring altogether:

(*1*) What is the real meaning of "Bangla Desh"—the Bengali independence movement? Behind the Awami League, behind Gen. Tikka Khan's onslaught against East Pakistan; behind the emergence of guerrillas and counter-guerrillas, the signing of pacts and counter-pacts; the overt and covert maneuvers of the Indian and Pakistani Governments, looms the specter of the *logical* independent Bengal. This would be made up not just of Pakistan's present-day East "wing" but also of India's present-day West Bengal "state." Thus, a possible new nation of some 125 million people and 90,000 square miles would straddle the inner reaches of the Bay of Bengal and comprise the broadest bridge to the Asian land mass. But—a nation that neither India nor Pakistan would wish to see come into existence. Nor, for obvious strategic reasons, would India really welcome—any more than would the present Pakistani Government—the existence of an independent Bengal made up of the former East Pakistan alone. What that presages, then, is that India might welcome a Bengal incorporated within its own territory, a logical territorial addition to its present-day West Bengal state. This is what Pakistan most fears, most suspects.

(*2*) Overarching present hostilities is the sustained enmity between India and Pakistan. Whatever happens in East Pakistan or across the borders in West Bengal, Bihar or Assam must be seen in context of the larger, longer-running disputes between the two nations. As for example: the unresolved Kashmir situation; the very expensively and impractically resolved Indus Valley controversy of the 1950s; the bloody and unseemly squabbling over the Rann of Kutch, a 9,000-square-mile salt waste off the

Oliphant, Los Angeles Times *Union*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Arabian Sea. And—national pride, unwanted population and useless real estate completely aside—all this comes down to the basic dispute between the two opposing philosophies of statehood mentioned above.

(*3*) The "anti-Americanism" indulged in by both parties is a tactical gambit and, in itself, not a major consideration, despite all the sulphur and smoke. As in unfortunately too many places nowadays, the tendency on the subcontinent —when in doubt, distress or despair—has been to beat up on America. During the 1965 installment of the Kashmir War (which I covered from the Pakistani side), the information arms of each government went to almost ludicrous lengths to convince its people that the United States was aiding the enemy only. The truth was that both sides were then being equipped militarily, to varying degrees; and Washington, for its own reasons, was giving both massive economic aid. And U.S. long-range strategy in the area, whether "right" or "wrong," was not—and is not—based on stupidity or wickedness or, certainly, the desire to win popularity contests.

(*4*) Of much more political substance than this beating on America is the long-range strategy followed by both nations vis-à-vis the three major powers. India's course is comparatively simple: since the border disputes started with China in 1957, it has become progressively anti-Chinese. And now, its relations with the Soviet Union and the United States emanate from a solidly anti-China base.

Pakistan's strategy has been much more daring and complex. For the first seven years of the Ayub regime, starting in 1958, it consisted, essentially, of two separate and concurrent policies. Policy number one took the time-honored diplomatic line of making a friend of your enemy's enemy—in this case, embracing China, the avowed foe of India. And policy number two (firmly rooted in cold-war thinking) following the line of playing the three big powers one against the other, and reserving your ultimate warmth—if you had to make a choice—for the big power farthest removed from you geographically, and your ultimate chill for the power closest to your borders. For Pakistan, that meant friendship for the United States—as against China.

But these two policies (like our own various "contingency plans," as in the Pentagon Papers) conflicted one with the other. And, in early September 1965, during the second Kashmir War, the United States suspended shipments of arms to both sides and thus manifested a lack of sympathy that Pakistan found disheartening (more important, it somehow came about that not a single oil tanker landed in a Pakistani port during the approximate fifty-day war period). It was then that Pakistan began to make serious approaches to China. And China reciprocated—by threatening openly to step in if India did not cease its "attacks" on Pakistan. Thus Pakistan's policy number one would seem to have won out. Though "won out" may be too strong a term, because the then President Ayub's China approach (with a great deal of background drum-beating by then Foreign Minister Bhutto) was originally intended to throw fear into the heart of the United States. And indeed the policy, which has continued apace these past six years, more recently under President Yahya (urged on by the same Bhutto, who has emerged as the leading spokesman of the Pakistani China Lobby), is still based to a larger extent than many people may realize on the self-deluding premise that Pakistan possesses greater strategic importance for the United States than does India. If forced to choose between the two, so this theory goes, we would choose Pakistan, which then could retire gracefully from its China commitment and adopt game plan number two. (A maneuver perhaps as easy to accomplish as retiring gracefully from within the coils of a boa constrictor.)

(*5*) Then, there are the disparate and often conflicting policies of the big powers themselves, all three operating in what they consider to be their own self-interests, which can, on occasions, supersede the self-interests of the two client states.

China has taken sides most obviously—for Pakistan and against India. It did this early, in the 1965 Kashmir War, thus setting all the diplomatic dominoes into motion. For a time, the USSR seemed to have the advantage because of the pious role in which it found itself as the peacemaker at Tashkent at the end of the 1965 hostilities. But now it too has made its choice—for India, against China, and thus Pakistan (a variation of the "enemy-of-my-enemy" thesis).

From a diplomatic point of view, the United States is, for the time being, in the position of greatest maneuverability. Obviously, we would wish to stay on the present tightrope between the two adversaries as long as possible, and it is quite conceivable that President Nixon may hope to make a bold end-run around the subcontinent when he goes to Mao next year. But if we are actually forced to make a choice, we have indicated in telltale ways (largely developmental—having to do with the spread of our socio-economic commitments, private-sector as well as public-sector) which we would choose. It would be India—against Pakistan—no matter how the situation may appear in the current headlines. I think that perceptive people in the diplomatic communities understand that this eventual choice hovers—and, also, that when it happens the United States will have been impelled to make it for other than "moral reasons" (i.e., the ferocity of the onslaughts against the rebellious East Wing Bengalis).

A realistic basis for Bengali "independence" exists, but it has always been lost sight of amid the turmoil of hostilities, past and present. It is the only kind of Bengal entity that both India and Pakistan might accept, and that also would be acceptable, if not highly desirable, to the three major powers. This would be an economic union of the two parts of Bengal—the West Bengal state and East Pakistan—that could come to grips with mutual problems of social and economic development.

Sharing the 90,000 square miles of dank, low-lying paddies, green hills and dense rain forest, spread over both sides of the Ganges and its tributaries, the 125 million Bengalis have many socio-economic problems in common. If they were permitted to attack these together in a realistic way, this enterprise could form, eventually, a "developmental bridge" between the two countries, and lead to similar joint arrangements in Kashmir and elsewhere.

By far the most important of the "unmentioned" realities is the area's long-mounting water resources dispute, having

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to do with the jointly shared Ganges waters. Not once, for example, in these past weeks have I seen in the press or heard any public official utter the words: "Farakka Barrage." Yet this is a life-or-death issue for all the Bengali people; it must be faced very soon by the two rival powers, and thus by the other interested powers.

Briefly, Farakka Barrage is a vast, damlike affair, under construction by India since 1961 some 10 miles from the East Pakistani border. Its basic purpose is to prevent the port of Calcutta from silting up, but it also puts India in a position to cut off the supply of Ganges-originated water to Pakistan. Meanwhile, the water is required to sustain ambitious and expensive complexes of irrigation and power projects on which the food production of both sides of Bengal depends.

The issue is much more involved, politically and technically, than I can explain here. Suffice to say that there is enough water for all concerned—if portioned out equitably. The Pakistanis, however, have gone on record several times (after a great deal of frustration) that they would resort to war before allowing India to complete Farakka and thus gain a devastating weapon for possible use in the struggle between them.

Originally, the project was scheduled to be in operation by July of 1971, but there were unexpected delays all last year, reportedly due to delivery of faulty canal machinery from Eastern Europe and to *"gheraos"* (a Hindu word for a kind of work-stoppage encirclement) conducted by Nuxalites, the local Mao Communists. The barrage itself has been completed. Now all that remains is some additional work on the 60-mile Hoogley River Canal, leading north to Calcutta, and on the railroad line atop the barrage. If there are no more delays, the project should be in operation by the end of 1971. Thus another collision course to war is arising between the two neighbor nations —or a possible new and dreadful stratagem in an already existing war. (Whether or not India would actually be capable of "cutting off the water" and "starving out" the already direly beset East Pakistanis is beside the point; it is enough that Pakistan believes it capable of such cruel action.)

Meanwhile, a solution may be emerging here, one that is completely technical, but that could catalyze the devoutly wished-for "political" solution. It would be incorporated into the above-mentioned Bengal Economic Union and would employ an imaginative water-resources technique that exists in basic prototype in the United States. A large Midwestern chemical company has devised a computer program to measure the periodic moisture contents of various parcels of land, in order to prepare chemical fertilizer "prescriptions" for individual farmers. Preliminary investigations show that the technique could be adapted to create a water-monitoring system that would make periodic readings of the water needs of all lands on both sides of the Ganges River complex (or on any waterways with shared sovereignties) and portion out the required amounts. Obviously, such a system must be operated by some impeccable entity trusted by both sides. There is indication that the United Nations Development Program, or perhaps some specifically enfranchised, joint East-West economic unit, might qualify. This could perhaps help to defuse the present political situation and ultimately turn all Bengal into a land whose people—all of them—would have a chance to survive. They do not have it now.

The plan for a "Computer Water-Monitoring System," based at Farakka and serving all Bengal, has been broached these past four or five years to various responsible parties, at the World Bank, the foundations, the State Department, etc., and has been set aside as "politically unfeasible." It might be even less *politically* feasible today. Except that it just might work—and what are the alternatives?

All these "unmentionable" realities—political and psychological—are most certainly under discussion in the various diplomatic back rooms of the world. They also may be discussed when Mr. Nixon meets Chairman Mao next year. If the world can wait that long. □

A GRAND JURY ON TRIAL

Mayor Daley's Way With Justice

JON R. WALTZ

Mr. Waltz is a professor of law at Northwestern University. His books include The Trial of Jack Ruby *(Macmillan),* Principles of Evidence and Proof *(Foundation Press), and the recently published* Medical Jurisprudence *(Macmillan). He is a frequent consultant to the United States Commission on Civil Rights.*

Chicago

A bailiff brought everyone, including Edward V. Hanrahan, to his feet with the standard invocation: "Hear ye! Hear ye! The Circuit Court of Cook County, Judge Joseph Power presiding, is now in session." The judge, looking stern, took his seat and listened as one of the assistant special State's Attorneys formally tendered him an order handed down by the Illinois Supreme Court that morning, August 21, 1971, in Case No. 71-1791, *People* v. *John Doe*. By now everyone in the crowded courtroom knew that John Doe was really Ed Hanrahan, the State's Attorney for Cook County and heir apparent to Mayor Richard J. Daley, Chicago's Maximum Leader.

Case No. 71-1791 had grown more and more peculiar, partly because so much of it was wrapped in the sort of official secrecy that automatically produces a stream of leaks and rumors, and partly because it had become a morass of legal and not-so-legal maneuvers aimed at saving Hanrahan's political hide. No. 71-1791 was a state grand jury investigation and its most important product was now

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in a brown envelope being held by Louis P. Garippo, the Chief Deputy Clerk of the Criminal Division, who was standing to the left of the judge. The Daley machine had not wanted this envelope opened, but now the Supreme Court had directed that it be done. Judge Power could delay no longer; John Doe was about to be unmasked.

The envelope contained what everyone had known it would ever since last April—an indictment of State's Attorney Hanrahan, one of his assistants, and twelve Chicago policemen on a charge of having conspired to obstruct justice following a 1969 weapons raid by State's Attorney's police on a Chicago apartment in which two Black Panther Party members, including state chairman Fred Hampton, were killed and four others were wounded. Specifically, the fourteen were charged with seeking to obstruct the prosecution of members of the raiding party and to frustrate the defense of the raid's survivors, who had been hastily charged with attempted murder by Hanrahan's office, "by unlawfully, wilfully and knowingly destroying, altering, concealing and disguising physical evidence and by furnishing false evidence and by furnishing false information." The indictment listed twenty-one overt acts in furtherance of the alleged scheme, including the giving of information to the *Chicago Tribune* "which resulted in an exclusive article . . . which . . . was false and misleading," the scripting of and participation in a false and misleading televised re-enactment of the weapons raid, and the preparation of "a list of questions and suggested answers" for use by the raiders during interrogations.

Two hours after the opening of the indictment, Hanrahan said, "I have done nothing wrong. I want a full and open hearing as soon as possible so the public can have that demonstrated in court." The statement followed by two days a petition by Hanrahan asking that the indictment be permanently suppressed. (The Illinois Supreme Court reached checkmate by pointing out that Mr. Hanrahan lacked standing to attack the sealed indictment unless and until it became known that he was named in it.) It now seems as clear as anything with political overtones ever seems in Cook County that Ed Hanrahan and his co-defendants will be put on trial in a matter of weeks. But this is no triumph for the rule of law. There is not the slightest possibility that he and his subordinates will be convicted. The verdict will have nothing to do with the weight and sufficiency of the evidence against them. They would have been difficult enough to convict under ordinary circumstances, since Chicago jurors are disinclined to penalize law-enforcement agents who kill or injure "bad actors" such as hippies, Yippies, peace demonstrators and Black Panthers. But after the extraordinary efforts that have been made and will continue to be made to impugn the integrity of the grand jury and the special prosecutors who presented evidence to it, the result in Case No. 71-1791 is virtually foreordained. To understand why this is so it is necessary to comprehend the bizarre history of the case and to identify its principal participants.

It all began in the early morning of December 4, 1969. At 4:45 A.M. on that date fourteen police officers, all on detached duty with the State's Attorney's office, attempted to execute a search warrant allowing them to hunt for illegal weapons at the slum apartment on Chicago's West Monroe Street that served as Panther headquarters. Sgt. Daniel Groth led the detail. He and four officers approached the front door of the first-floor apartment; six others went to the back door; three remained in the street. Among them they had a submachine gun and five shotguns. Groth says he knocked on the door and shouted, "This is the police. I have a warrant to search the premises." Then the neighbors were awakened by what one of them called "a thunder of gunfire." Of the nine people inside the apartment, two were dead and four wounded when the shooting subsided. The dead were Hampton, 21, and Mark Clark, 22, a downstate Panther organizer. Two policemen had been hurt. One had been cut by flying glass, another had apparently been shot in the leg by a fellow raider.

The police version of the raid was that Groth's announcement had been greeted by a hail of Panther gunfire and that the officers had then forced their way into the darkened apartment, returning the occupants' fire in self-defense. The police confiscated nineteen firearms in the apartment and 130 spent rounds of ammunition were recovered by the police, Panthers and others.

The seven surviving Panthers, claiming a nationwide plot to exterminate the Black Panther Party, said that none of the occupants had fired a shot. Hanrahan reacted immediately, displaying the weapons he claimed had been confiscated from the apartment and complimenting his raiders on their "remarkable self-restraint" and "professionalism." About a week after the raid, Hanrahan gave an exclusive interview to the *Chicago Tribune* in which he stated that photographs, which the *Tribune* ran with the interview, "conclusively proved the Panthers opened the battle by firing a shotgun blast through the door." Shortly thereafter, however, it was discovered that circled marks on one of the photographs of the door were rusty nailheads, not bullet holes. Undeterred either by this or by legal ethics, Hanrahan's office on the following day, December 11, staged a twenty-eight-minute "re-enactment" of the raid for a local television station. This demonstration, complete with set and props, also was later found to have been at least partially erroneous.

To many observers in and outside Chicago the conduct of Hanrahan's police force appeared to be either murder or a masterpiece of ineptitude. The heavily publicized claims of the Panthers and the equally well-reported explanations and countercharges of Hanrahan and his aides, so completely at odds, made it impossible for either side to avoid internal and external investigations of the affair. (These inquiries, though inevitable, were to be hampered by the circumstance that the Chicago police had not promptly sealed the Panther apartment. For almost two weeks it remained open to the curious public, which trooped through it by the thousands. Finally, on December 17, the Cook County coroner ordered the apartment officially sealed. Meanwhile, someone had made off with one of its doors.)

Six days after the raid, an editorial in *Chicago Today* demanded either a federal inquiry or "appointment of special prosecutors and . . . a special grand jury." As the Panther case was to unfold, there would be both a federal grand jury investigation and the special state grand jury probe that recently completed its work. There would also

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

be investigations by the Chicago Police Department's Internal Investigations Division and a special coroner's jury.

Predictably, the IID investigation was the speediest. On December 19, Police Supt. James B. Conlisk, Jr., an unindicted co-conspirator named in the Hanrahan indictment, said the IID report showed that the raiders had done nothing wrong. On January 6, 1970, a special county coroner's jury, having been in existence for a total of twelve days, entered a finding of justifiable homicide in the deaths of Hampton and Clark. Both of these investigations raised many more questions than they answered and in January the federal grand jury's investigation got under way.

This body's jurisdiction was limited to possible federal offenses. In practical terms, this meant it could look only for violations of the federal civil rights acts. Nevertheless, the jury remained in session for five months, listened to almost 100 witnesses, and considered evidence analyses from the FBI's crime laboratory. On May 15, 1970, it released a 243-page report. The jury presented no indictments, the persistent rumor around the Federal Building being that at the eleventh hour a high-level Justice Department official had dissuaded it, in an emotional plea, from charging a number of persons with violating the Panthers' civil rights. Its report condemned the Panther Party's advocacy of violence and criticized the survivors of the raid for refusing to testify before it. It also set forth its criticism of the manner in which the raid had been conducted and a low-key refutation of the assertions that had been made by Hanrahan and the raiders.

Of the raid, the report pointed out that "The whole concept of going on a raid in a high crime area . . . with only fourteen men, in plain clothes, in the dead of night, with no sound equipment, no lighting equipment, no tear gas and no plan for dealing with potential resistance seems ill-conceived." It concluded that the raid "was not professionally planned or properly executed."

Although stopping short of accusing the raiders and other police officials of perjury, the grand jury pointed out that while the raiders had indicated the Panthers had fired at least ten shots, FBI lab analysis could positively trace only one of the eighty-two to ninety-nine shots fired in the apartment to a seized Panther weapon. The Chicago police lab report tracing three shots to seized weapons was incorrect, to put it charitably. The firearms examiner who had made the report testified that he had been told he would lose his job unless he signed it, even though he had not had an opportunity to consider all of the evidence. The report was generally scathing in its treatment of the way in which the police had handled crucial physical evidence after the raid and of the IID's investigation. For example, the report noted that the police had failed to preserve fingerprints and had not recorded or systematically identified the seized weapons. The IID investigation, the grand jury concluded, "was so seriously deficient that it suggested purposeful malfeasance."

The grapevine between the federal grand jury's chambers and Hanrahan's office was apparently active. Just before the jury's report was published, the State's Attorney's office conceded the insufficiency of its evidence against the surviving Panthers, and dismissed the charges of attempted murder that had been leveled against them shortly after the raid. And on May 14, the day before release of the report, Superintendent Conlisk demoted three police officers, sharply criticizing their roles in the IID's investigation.

The report of the federal grand jury, through no large fault of its own, was unsatisfying. Because it carried with it no indictments, it seemed a triumph of timidity, but the real problem was its sharply circumscribed jurisdiction; it could not act upon such possible state offenses as murder, manslaughter, or obstruction of justice, which are crimes only against state law. There would have to be a state grand jury proceeding. In separate articles in a special issue of the *Chicago Journalism Review* Prof. Harry Kalven of the University of Chicago Law School and I suggested the urgent need for such an inquiry. The Chicago Council of Lawyers, a new bar association of young and young-headed lawyers, the ACLU, and a progressive civic group called Businessmen in the Public Interest issued demands for the convening of a special county grand jury and the appointment of a disinterested special prosecutor to assist it. Judson M. Miner, president of the council, remembers that "Other civic groups laughed at first," probably believing that the Daley machine would block another potentially damaging review. As expected, Hanrahan filed a petition in the Circuit Court opposing the proposed grand jury. Then someone in City Hall had a change of mind. Hanrahan, in what was to be the first of many turnabouts, withdrew his opposition and soon almost seventy additional civic groups, including the Chicago Bar Association, found their courage and joined the call for a state investigation.

Late in June 1970, with Richard J. Daley's approval, Barnabas F. Sears was appointed a special State's Attorney to conduct a second grand jury investigation into the Panther affair. Chicago's black community was appalled. It had called for the appointment of a black lawyer. Instead, the Mayor, whose approval constitutes a command, had ordained the selection of a certified member of the city's white elite. In both appearance and background, Sears is the composite Establishment lawyer. Courtly, portly, white-haired, well-tailored and a pipe smoker, Sears is a senior partner in a top-rank La Salle Street law firm. He is a former president of the elitist American College of Trial Lawyers. For years he has been the Illinois delegate to the conservative American Bar Association; one of his law partners is a former president of the equally staid Chicago Bar Association. He lives in one of Chicago's most expensive apartment buildings and has a Michigan summer home where he berths a 47-foot yacht; he belongs to all the right clubs. Barney Sears had probably never been on West Monroe Street in his life. He found it necessary to read up on the Black Panther Party and most of what he learned about it he probably detested. Bobby Rush, who had assumed leadership of the Panthers' Illinois branch after Fred Hampton's death, announced that "Sears cannot have the understanding of the black community that he needs" and demanded that a black co-prosecutor, preferably my Northwestern colleague Prof. Thomas N. Todd, be named. Judge Joseph Power, who had executed Daley's instructions to appoint Sears, re-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Mayor Richard J. Daley

sponded that "There can be only one boss. I think I've appointed a very qualified and capable man." Judge Power was to discover later, much to his and his political party's chagrin, that he was right and Rush was wrong.

Sears began his work slowly. He screened a number of potential assistants, finally picking two black lawyers, Ellis Reid and Howard Savage, and two white lawyers from his own law firm, Wayland B. Cedarquist and James W. Collins. Cedarquist and Collins, perhaps because of their closeness to Sears both physically and intellectually, were to be the special prosecutor's most indefatigable helpers. Cedarquist, who belongs to that disappearing breed of attorneys that pride themselves on being "general lawyers," is a painstaking, exceptionally competent legal technician. Collins is a type that can be found close behind almost every successful senior practitioner—a bright, imaginative young man not long out of law school. In July, Sears and his people began reading the long transcript of the federal grand jury proceedings. Neither Daley nor Hanrahan seemed visibly disturbed by Sears's declaration that "I have sworn to uphold my oath and I will do it. Let the chips fall where they may." But Daley and his protégé in the State's Attorney's office had made a gigantic blunder. They had permitted, even promoted, the appointment of a man more honest, brave and tenacious than they realized. What was even more dangerous, Sears possesses a full-blown ego. He is proud of his reputation for honesty, courage and tenacity.

Sears delayed the convening of any jurors until early December. There were those who complained that he was foot-dragging, but Sears apparently wished to keep his investigation from becoming embroiled in the November elections; furthermore, he needed time to analyze the federal jury's report. By December 7 Sears was ready. He had twenty-three jurors impaneled, with Judge Power again doing the honors. Two days later Sears gave the jurors a look at the apartment on West Monroe. It had now been more than a year since the disastrous raid. On December 14 Sears called his first witnesses, but after a few days the jury adjourned for the Christmas holidays; resumption of its work after the new year went virtually unnoticed. Sears guarded the secrecy of the grand jury's sessions and provided no running commentary of his own to the news media. The controversy aroused by the Panther raid was abating. In the ensuing months the jurors heard more than fifty witnesses, received approximately 150 exhibits, and generated a record of more than 5,000 pages. Because the black community had come to believe Sears trustworthy, the roster of witnesses included several survivors of the raid.

By mid-April of this year there were rumors that the jury was reaching the end of its deliberations and that it had some indictments. (There were also rumors that Sears had had to argue hard to get them.) On the morning of Thursday, April 22, Sears broke his silence—slightly. Dropping by the pressroom in the Criminal Courts Building, he told reporters that there might be a news story for them later in the day. Without intimating what the outcome would be, Sears made it plain that the grand jury's work was almost done. But the newsmen did not get their story that day. Instead, Judge Power conducted a closed session with the grand jury. Emerging from it, Sears, obviously angry, apologized to the press. "Earlier," he said, "I thought there would be a news story today but now I know there won't be any." He added that Judge Power was going "beyond his power under law" in instructing the jurors. He said that Power had "tried to tell the grand jury what witnesses had to be called." Insisting that the grand jury "is independent of any judge or any elected official," Sears stated that Judge Power had no authority "to interfere with or frustrate [its] proceedings." Sears also criticized the judge for not meeting with the jury in open session. Then he would say no more. Over the weekend rumors flew thick and fast. People speculated that the "elected official" referred to by Sears was Richard J. Daley and Chicago *Daily News* columnist Mike Royko, the Mayor's biographer, spoke openly of "a fix." He pointedly inquired whether any significance could be read into the facts that Power was a neighbor, lifelong friend, and former law partner of the Mayor and was indebted to him for his judicial post.

Early Thursday evening, after Power met with the jurors, Hanrahan had a hasty conference with Daley, who left the rostrum at a city council meeting to talk with his protégé. Later, a reporter questioned the Mayor about this conference. "Oh, he just stopped by to say hello," Daley replied. Asked whether they discussed the grand jury, the scowling Mayor snapped, "What grand jury?," and walked away.

On Sunday three suburban newspapers broke the story that the grand jury had voted to indict Hanrahan and several others for obstruction of justice, but that Judge Power, in his secret meetings with the jurors, had refused to sign the formal presentment. Power, in a *Daily News* interview, insisted his session with the jurors had been "routine."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Here is what actually happened: despite some misgivings, the jurors had decided to indict a number of persons, including Hanrahan, and on the 22nd had tried to present their "true bill" to Judge Power. The judge had refused to receive the indictment and had launched into a heated argument with Sears. Occasionally screaming at him, the judge had ordered a puzzled-looking Sears to make a "complete investigation" by summoning not only Hanrahan, who had already flatly refused to testify, but also an assortment of sixteen to twenty witnesses who had appeared before the federal jury but whose testimony, in Sears's view, was irrelevant to the quite different criminal charges being considered by the state panel. Hanrahan, apparently alerted to the imminence of indictment, had rushed to the courthouse for a possible last-minute appearance before the grand jury. As John R. Thomson, a *Chicago Tribune* writer, put it, "There was confidence in some quarters that if Hanrahan could keep his fiery temper in check and soften his often abrasive personality he might be able to talk his way out of a jam."

In an open hearing on Monday, April 26, a lawyer for one of the policemen whose conduct had come into question petitioned Judge Power to discharge the special grand jury on the grounds that it had been tainted by publicity and improperly influenced by Sears. Pounding on the bench, a red-faced Power excoriated Sears. "I want a full and complete investigation," the judge shouted. Power continued to insist that Sears take testimony from every witness who had appeared before the federal grand jury. Sears, unflappable, quietly responded: "Your Honor . . . you honestly believe you have the power you are seeking to exercise. You have absolutely no such power at all. It would impeach the integrity of the grand jury." Power, laying the foundation for a contempt citation against the special prosecutor, said: "I now order you to subpoena all witnesses. I don't care who they are. I want them all to appear." He then fined the intransigent Sears $100 for a "contemptuous attitude" and ordered a continuing fine of $50 an hour, around the clock, until Sears agreed to call more witnesses. Thus in a case involving two homicides, after a year and a half, the only person to have been punished was the special prosecutor. The *Chicago Journalism Review* made pointed references to the film *Z*.

Sears and the grand jurors refused to hear anyone except Hanrahan himself, who on the following day commenced what stretched into twenty hours of belated testimony. After his first three-hour session Hanrahan was observed smiling and joking with associates but, as one Chicago reporter later remarked, "a smile and soft soap proved not enough to sway the jury." (It would later develop that it may have been enough to sway four disgruntled members.)

If Hanrahan was unperturbed, others were getting tense. On April 29, lawyers representing two Assistant State's Attorneys and twelve of the fourteen raiders asked that the grand jury be dissolved. In early May Sears went to the Illinois Supreme Court in an effort to bring order out of the growing legal chaos. He asked that his contempt citations be set aside and that the court design rules "to guide the future conduct of the special grand jury that is investigating a matter of grave public concern." The court agreed to hold an expedited hearing but before it could do so the irrepressible Judge Power decided that he had the authority to find out whether the grand jury had been improperly influenced. He directed Sears to give him a copy of the record of testimony to date (a judge is never present during a grand jury's day-to-day proceedings) and held a private meeting with two of the jurors. Sears appealed to the Supreme Court again, asking it to stop Power from meeting privately with the jurors, to deny his request for the jury's transcript, and to direct him to dismiss the petitions filed by the three defense lawyers on the ground that their clients, not yet known to have been indicted, had no standing to attack the grand jury. On May 26 the Supreme Court, sitting in Springfield, heard oral arguments.

Sears sketched the history of grand juries but the justices seemed unimpressed. Then Don Reuben, one of Chicago's most tough-minded and adept lawyers, argued vigorously and pointedly on behalf of Sears. When the Supreme Court's opinion came down on June 23, reversing the contempt citations and holding that Judge Power was not free to hold private get-togethers with individual grand jurors, Reuben was at first exultant, saying that it was "a victory for the people." When he had more time to assess the opinion's multiple ambiguities, Reuben contented himself with the comment that it contained "something for everyone." Certainly not all of Sears's contentions had won complete and uncritical acceptance. In the first place, the court was less than enthralled by the glories of an independent grand jury guided only by the unreviewable directions of a prosecutor. It called the notion that a grand jury could function without any judicial control a "quaint concept." It observed that in almost half our states the grand jury has been legislatively abolished. Until such time as Illinois might elect to do without their services, grand juries, said the court, would be subjected to some measure of judicial supervision.

The Supreme Court stated "that there may be circumstances under which the circuit court will have jurisdiction to direct that witnesses be subpoenaed to appear before a grand jury." It apparently had in mind hypothetical situations in which a corrupt or incompetent State's Attorney has failed to discharge the duties of his office. The court added, however, that the lower court's "supervisory power [should] be exercised only when failure to do so will effect a deprivation of due process or result in a miscarriage of justice." A majority of the justices—the court's decision was a split one but the minority members, presumably including the two Daley Democrats, were too shy to identify themselves—concluded that "the circumstances shown here do not furnish a sufficient basis for [Judge Power's] action . . . and the order holding Sears in contempt for refusing to call the witnesses is therefore reversed."

The second contempt citation against Sears, for displaying a "contemptuous attitude" toward Power, was reversed because "the record plainly shows that the proceedings were utterly lacking in the basic requirements of due process." The court found it possible to dodge the question whether the various petitioners had standing to challenge the grand jury's continued existence. Instead, it declared that the trial court (Power), "in the exercise of its inherent supervisory powers over the grand jury," had the authority to demand to see the transcript. The court

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ruled that Power's private interviews with grand jurors were "not desirable," but said that Power could hold *in camera* interviews with the full jury "if so requested by it."

Two days after release of the Supreme Court's opinion, the sealed brown envelope made its first appearance in Judge Power's courtroom. The grand jury's foreman, Richard Balla, an electrical engineer, said, "Your Honor . . . I would like to present to you in open court this indictment so that it shall be entered into the court's record." Judge Power, looking as though a bottle of scorpions was about to be uncapped under his nose, instructed him to "hold it a moment" and began listening to the pleas of defense counsel that the envelope be kept sealed.

For his part, prosecutor Sears seemed more concerned with getting Power to accept the indictment formally—to take it into his hands—than he did about the continued secrecy of its contents: "Your Honor doesn't . . .have any discretion except to accept these indictments." When Sears added that "No bail is necessary" Power seemed surprised; he apparently feared the worst. "You said 'no bail.' I thought this was a murder case." (Murder is not ordinarily a bailable offense.) Sears quietly repeated, "No bail is necessary." Then the judge, sounding as though he had not read the Supreme Court's opinion, announced that he "might consider getting from you the list of witnesses that testified before the federal grand jury . . . and determine whether there were any witnesses that should have been called." He also said, "whether the indictment had been procured in a proper manner, that is something that . . . is still to be determined."

On June 30 the grand jurors attempted to present their general report to the judge, who angrily refused to accept more than its cover page, which Sears, his face straight, tore off and handed to him. Power then told the jurors that he had obtained a list of the federal grand jury witnesses (Sears had supplied it to him). Then, looking sad and serious, he added, "tragically, it comes too late—you have already had your deliberations." With the jurors still in the courtroom, he turned to Sears and said that he and "the petitioners [potential defendants] feel that some action of yours may have prejudiced this grand jury." No juror said anything one way or the other but Sears, in his best country-lawyer fashion, said "Well now, I sort of except to the statement that this grand jury has been tainted."

On July 26 Sears filed answers to the petitions seeking dismissal of the jury and the matter was set down by Power for hearing on August 5. But on the 5th Power had a new surprise. He revealed that he was appointing Mitchell Ware, who had taken a leave of absence as director of the Illinois Bureau of Investigation, as an *amicus curiae*—"friend of the court"—to investigate whether the grand jury had been improperly influenced by Sears and his associates. (When a State's Attorney appears before a grand jury his function is not typically prosecutorial. The reasons for this stem, in turn, from the peculiar nature of grand juries. They are inquisitorial bodies. Grand jury proceedings are one-sided rather than adversarial: no defense counsel can attend and no umpiring judge is present to maintain balance. The jury's function is exclusively investigatory. It seeks to make a preliminary determination whether the grounds for believing a crime has been committed are sufficient to justify the issuance of an indictment and the convening of a full-scale trial. Under all of these circumstances it is thought that a State's Attorney, while hardly a neutral, should act more as a guide than as a prosecutor, presenting relevant evidence to the grand jury and assisting with legal technicalities of the sort, for example, that are involved in drafting the language of an indictment. But the line between guidance and exhortation is thin and wavering. Lawyers who are neither naive nor excessively hypocritical concede that grand juries, incapable of functioning, unaided, are the servants of prosecutors. All that can be hoped is that in their zeal prosecutors will not overreach to the extent that baseless indictments result.)

During the August 5th hearing, Judge Power, employing his most ominous tones, disclosed that no verbatim transcript had been taken on April 20, 21 and 22 and said that he wanted Ware to find out what Sears and the jury had done on those crucial days immediately preceding the vote to indict. (Sears and his aides had repeatedly pointed out that, pursuant to the practice long followed by the State's Attorney's office, no court reporter was present because the jurors had devoted those three days to hearing the special State's Attorneys' evidence summaries, to deliberating and voting.)

Power, eyeing reporters in the back of the courtroom, praised Ware as "an attorney familiar with criminal practice, a professor of criminal law, who enjoys a reputation for honesty, integrity and independence, and who has a history of objectivity." This fulsome description puzzled those who could not recall when or where Ware had ever been a professor of law but did remember that a few weeks before he had been charged with misuse of state transportation facilities and that his specialty as head of the IBI seemed to be elaborately staged pot and weapons raids that accomplished little more than sporadic bursts of personal publicity. It was also remembered that Ware was eager to run for Congress, an ambition that could not be realized without an affirmative nod from Daley. Power, asserting the obvious ("I'm playing this by ear"), set August 17 as the next court date, when "We'll have a hearing of witnesses and evidence." By far his most startling suggestion, however, was that lawyers representing those who might not have been indicted could appear and participate at the hearing. So much for the secrecy and expeditiousness of grand jury proceedings.

Back to the Illinois Supreme Court went Sears, who by now must have been wearying of the Chicago-to-Springfield run. He asked the court to do three things: prohibit the August 17th hearing, set aside Ware's appointment and, most important of all, order Power to open the indictment without further delay. Chief Justice Robert C. Underwood ordered a stay of all proceedings until his court, then in recess, could be assembled. Despite the stay order, Hanrahan showed up in Power's courtroom on August 17 and announced that he wanted to make a statement. Power promptly informed the spectators that the Underwood order "does not preclude my hearing other evidence. I cannot deny anyone coming into court the right to make a statement." But Sears, aware of the stay order, was not in court and so Power set Friday, August 20, for Hanrahan's statement. Hanrahan never delivered it. Instead, on Monday, August 23, he petitioned the Su-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

preme Court to require Judge Power to conduct an investigation "personally"—so much for Mitchell Ware—into the charges that Sears had coerced the grand jury into indicting. If Power found evidence of wrongdoing, argued Hanrahan, the judge should order the indictment destroyed without making it public. The Supreme Court immediately took under advisement Hanrahan's petition and those previously filed by Sears.

Meanwhile, the most diverse elements of Chicago opinion were growing restive. In an editorial entitled "Open the Envelope Now" the *Chicago Tribune,* a newspaper that is currently in promising transition, said, "The best way Judge Joseph Power . . . could serve the interests of the public and of justice would be to stop his delaying tactics and open the sealed indictment. . . . Judge Power's excessive activities on Mr. Hanrahan's behalf serve no public purpose other than to remind everyone that both he and Mr. Hanrahan are close friends of Mayor Daley and leading figures in the Democratic Machine." A *Sun-Times* editorial spoke of Power's "outrageous zeal to protect certain public officials," of his assumption of "dictatorial powers," and called on the Supreme Court to rectify "this parody of justice." Mike Royko, in the *Daily News,* said that "Because of this envelope, the whole ancient system of grand jury indictments is undergoing an instant overhaul by Judge Power." Jack Mabley, a generally conservative columnist for the *Tribune*'s little sister, *Chicago Today,* decried "this shameless exhibition of a double standard of justice." He ended his August 15th column by saying, "No matter how this mess turns out, our judicial system has been irreparably besmirched, and we all suffer for this." Mabley's newspaper ran an editorial headed "Judicial Tyranny" and charged Judge Power with "making an assault on the integrity of the grand jury." Television station WMAQ (NBC) lamented editorially the "legal maneuvering to discredit the work done by the grand jury and . . . Sears."

Early on the morning of Tuesday, August 24, the Supreme Court spoke for the second time in the now almost hopelessly tangled Panther affair. Ware's appointment to prosecute the prosecutor-prosecutor was rescinded; the indictment was to be opened. And at 2:04 that afternoon it was done, with Hanrahan gritting his teeth and saying that this was what he had always wanted.

There were almost immediate demands that Hanrahan take a leave of absence from his post as State's Attorney until his guilt or innocence could be adjudicated. The Chicago Bar Association was the first to insist that the public's continued confidence in the integrity of his office dictated such a step. Soon the nonpartisan Better Government Association and the Illinois Crime Commission (which once had honored Hanrahan for his effectiveness as a crime fighter) joined in the call. Only the Illinois State's Attorneys Association urged member Hanrahan to remain actively at the head of his office while the charge against him awaited trial. Hanrahan, claiming that the civic organizations were convicting him without benefit of trial (each of them had expressly disavowed any opinion concerning his guilt or innocence), has steadfastly refused to stand aside. So, for that matter, has Sears. Despite a few suggestions that the defendants' persistent efforts to put him on the defensive might cloud his objectivity, Sears has indicated that he will personally conduct the prosecution of the case that is now formally denominated *People* v. *Hanrahan, et al.*

Hanrahan and his thirteen co-defendants were arraigned before Judge Power on August 31. When asked how he pleaded to the charge against him, Hanrahan replied, "I make no plea. . . . I do not recognize this as a valid indictment." Although normal practice in such a situation dictates that the arraigning judge enter a not guilty plea on behalf of the mute accused, Power refused Sears's request that he do so in Hanrahan's case. Power's next-to-last act of public-be-damned defiance was to reassign the case not to a disinterested downstate judge or even to a Chicago Republican one (there are a few), as requested by practically everyone, but to another Democratic Cook County judge who had been slated for his elective judgeship by the Daley machine. As his final act, Power discharged the grand jurors and, in an almost unprecedented move, advised defendants' counsel, "You are at liberty to talk to them and use them as witnesses [in support of motions to quash the indictments]." Again, so much for the secrecy of grand jury proceedings. And so much for the long-standing principle that jurors should be insulated from intimidation, harassment and bribery attempts.

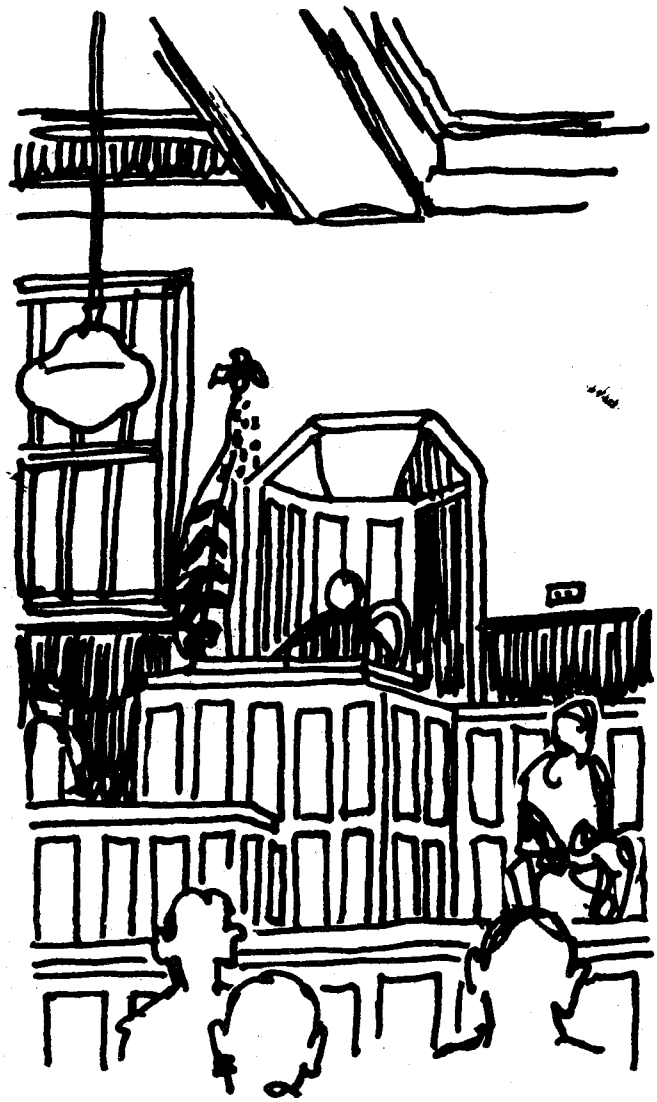
That night Hanrahan flew to Washington, Iowa, where one of the jurors, Mrs. Clara B. Goucher, for some unexplained reason, had gone into hiding. Mrs. Goucher told Hanrahan, whose testimony had impressed her, that on April 20, before being addressed by Sears, the grand jury had voted not to indict anyone. She stated that on the following day an obviously displeased Sears had "said he didn't understand how we could have voted 'no bills' the day before. He then started giving us reasons why we should indict. . . ." "[He] talked for ninety minutes." She said that after each proposed indictment Sears had admonished them, "Now you do what you want but how, how, can you see this any different way?" After Sears's summation the jury had voted the present indictments. Casting her mind back over the life of the grand jury, Mrs. Goucher recalled that Sears "was courteous to Panthers [whose testimony he was seeking] but not to police." She stated that Sears would sometimes go off the record to tell the jurors whether a witness' testimony was believable. And she remembered that during a recess following the testimony of one police witness, whose conduct had been strongly condemned by the federal grand jury, she had overheard a Sears aide, James Collins, say to another juror, "If this is the kind of police department we've got we are all in serious trouble." On the basis of Mrs. Goucher's unsworn comments, and the affidavits of three other jurors who say that Sears "influenced" them to indict, defense counsel charged Sears and his assistants with "horrendous acts" and prepared to interview all the jurors.

Now there have been motions to throw out the indictments. If the new judge does as he knows the Daley organization wants, these motions will be promptly granted no matter what the evidence shows—and, to be legally effective, it would have to show a great deal more than do the defendants' four affidavits. If he is strong and independent—and there is some evidence that he is both—the cases against Hanrahan and his raiders will go to trial. Uncertain of the new judge's attitude, Hanrahan has al-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ready begun the trial of his case in the press, making frequent protestations of his innocence and of the evil lurking in Sears's heart. Hanrahan is a fairly artful if unorthodox manipulator of the news media. They flock to him to hear themselves berated and detect no large inconsistency when he ends a televised defense of himself by asserting, as he did on September 13, that his case will be tried "not in the newspapers or in this medium, but in the courts, where only the facts count." On September 15 a *Chicago Tribune* columnist friendly to Hanrahan reported that some of the State's Attorney's top aides were "sporting white tin buttons with black block lettering that says: 'I Proudly Support Hanrahan.' "

For public consumption Hanrahan, who seems to sense that confusion is sometimes the best defense to a charge of crime, has suggested that he cannot legally be convicted of obstructing justice because no grand jury or other official fact-finding body has ever found that the Panther raid involved murder or some lesser crime. (The law requires no such preliminary finding; those who obstruct justice commonly do so for the very purpose of preventing a finding that a crime has been committed—and sometimes they are successful in their efforts.) Hanrahan also has made repeated public assertions that his indictment was obtained by "prejudice, influence and improper conduct." Sears has simply denied these charges, adding that the verbatim transcript of the jury's proceedings "clearly discloses that the grand jury was acting on its own, without influence or exhortation." (Criminal Court Judge Philip J. Romiti in late October ordered a full and open hearing into the allegations of improper influence. It is scheduled for November 8, but Judge Romiti's decision will probably be appealed and the hearing postponed, if not cancelled.)



From this welter of background facts there emerge a number of disturbing questions and conclusions. The significance of some of them is limited to the context of a municipality that is dominated by one man's political apparatus; some of them transcend Chicago's status as a captive city.

It would be dramatic but incorrect to say that the Black Panther mess has rocked Chicagoans' faith in the judicial process—they have not had much faith in it for a long time. Chicago's judiciary has been called the worst branch of the city's government, a statement whose force can be measured only by those who have observed the City Council in action. As a result of the Mayor's stubborn and, so far, successful opposition to any form of merit selection, Chicago's judges are almost all political wheelhorses who were personally slated for their elective seats by Daley. Slating is nothing more than a final payment for loyal service to the machine. (To lawyers, at least, one of the most dispiriting comments to come out of Edward Hanrahan's indictment was one attributed to an influential Democratic politician: "Hanrahan is dead politically. We'll probably have to make him a judge.")

Furthermore, most Chicagoans are too numb to be shocked by any form of corruption that does not affect them immediately and directly. For years the Mayor has been a beneficiary of the principle of escalating scandal: if tomorrow's scandal is worse than yesterday's, no one will remember yesterday's. If it is revealed one day that ranking politicians have shoe boxes full of cash and bargain-lot race-track stock, on the next day the under-the-counter operations of the Assessor's office will be exposed; then the Mayor will unveil a scheme to give lake-front park land to the privately owned Chicago Bears for a stadium, a collection of incompetent magistrates will be elevated to judgeships over the objections of all and sundry, and the son of a powerful alderman who dabbles in million-dollar real estate deals will be named to the Board of Zoning Appeals. It is dizzying, and it is stultifying.

Nonetheless, the Panther affair thus far *has* further shaken what little remaining confidence there may have been in Cook County's judicial processes. On a practical level, its display of machinations will inspire additional and even more imaginative efforts by defense lawyers that will further prolong a grand jury procedure that is already consuming too much time. This, together with Judge Power's invitations to breach the traditional secrecy of that procedure, may herald the demise of the grand jury as a workable mechanism in Illinois and elsewhere.

Edward Hanrahan's refusal to stand aside during the criminal proceedings against him means that Cook County will have, at best, a part-time State's Attorney heading an office already subject to charges of gross inefficiency. And it is an oddly circular irony that Hanrahan will continue

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to manipulate the news media in order to obstruct the fair and orderly prosecution of the case brought against him for having manipulated the news media in order to obstruct justice in the Black Panther affair. The void created by Barnabas Sears's ethical silence will be filled by the voices of Hanrahan and his allies, and the Anglo-American trial process, which functions well only in a tranquil setting, will again be forced to its knees in the city of Chicago.

There is one subsurface question that no one seems to have addressed. If Mayor Daley knew generally, as he surely did, of Sears's reputation as an honest, fearless and thoroughly competent lawyer, why did he engineer his appointment as special prosecutor in this politically charged case? He could easily have tapped someone tractable. It is not a complete answer, although it is true, to say that Daley is a master at snatching personal victory from the rubble of disaster by the simple expedient of naming a good man—Police Supt. Orlando W. Wilson, for a past example—to clean up a mess that never should have existed in the first place. Mr. Daley has no history of risking this gambit when it might endanger the political career of anyone entitled to his loyalty. It can only be surmised—and it is an ugly but almost unavoidable deduction—that a determination was made at the time of Sears's appointment that a few lowly policemen were expendable on the altar of practical politics, but that Hanrahan, who had not participated directly in the Panther raid, was not in danger. The extent of this cruel miscalculation, if such it was, became clear only in April, when the word leaked of Hanrahan's indictment. The machine could throw a few hapless policemen into the dock, where they would probably be acquitted anyway; it could not under any circumstances afford to have Edward Hanrahan there.

All of this, the speculation along with the hard facts, calls for an array of potential solutions. Some might counsel ironic resignation in order to prevent further debasement of a great city's moral and social temper. This is the way it would go: Whenever, in a city tyrannized by a morally bankrupt political dynasty, its overlord is prepared to go to any lengths to save the career of a valued but allegedly miscreant underling, let him offer to the citizenry the option of avoiding those extremes by excusing the miscreant. Let him say, "Give me back my man and I'll promise not to compromise the judiciary, not to subvert the grand jury system, not to tamper with the earned reputation of an honorable special prosecutor, not to alienate further our black community, and not to waste one quarter of a million dollars and more in investigatorial costs." It might be less expensive to let him keep his man without a struggle.

But Chicago, and every other city in this nation, numbers among its citizens some who consistently turn away from the road of cynicism and surrender. Their spirit is not eroded; they retain the "I will" spirit of which Chicago's Mayor himself so pridefully speaks. Like Barnabas F. Sears and his staff, like a majority of the Cook County grand jurors, they persist in fighting the good fight. There is something genuinely redeeming in that circumstance alone. □

PLAYING PERCENTAGES

THE BIG TEXTBOOK CAPER

NORMAN GOVER
Mr. Gover has been engaged for the past ten years in the selling of textbooks.

Several years ago, I was managing a textbook store located adjacent to a large Midwestern university. One year, when buying back textbooks from students at the end of the spring term, I was jumped on by the owner of the business for holding up a line of students waiting to sell their books. The cause for the delay was my attempt to explain to a German exchange student why I was able to offer him only $1.50 for an engineering book that had cost him $12.50. My boss insisted it was a waste of time: "Just make them an offer!—$1.50 is the same as $6.25 to these people."

Fifteen years ago or more, it was common policy to buy books from students at the end of each term, paying 50 per cent of the list price. This applied only to books being used in an immediately following term, but basic texts were rarely changed. (There *were* years when several basic texts seemed to be revised simultaneously—even though from different publishers!—and none of the faculty would continue to use the old edition.)

When Sputnik began going around every few hours, there suddenly arose a crying need for engineers. And suddenly the college professor found himself inundated by hastily prepared textbooks designed to help him produce bigger and better engineers and better teachers to get those future engineers of America ready for college. Each year, as more and more publishers embraced the need for better (read *different*) texts—becoming aware, also, of the potential for higher profits—the faculty had more and more texts to choose from. Often a two-year course, with a large two-year textbook, would change the text after the first year.

There is an ever forward motion to meet social needs on the campus by offering new courses. As black militancy became overpowering, colleges grudgingly acceded to the demands for programs of Black Studies that were independent of control from other departments. As the awareness of ecology has grown, there have been cries for basic courses of study in this area—with textbooks to accompany them. [See book review by Stephen D. Antler, "Selling Us the Brooklyn Bridge," *The Nation*, October 4.] Because the demand is there, suddenly the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

textbook is there. The student buys it, uses it, and then seeks to resell it to the bookstore where he bought it.

This book can now fall into one of two major groups and dozens of minor ones, at least as the bookstore views it. (*1*) The professor has decided to use the text again for the same course the following term: the student then receives 50 per cent of the list price. (Used books are sold in most college stores at 25 per cent discount. Many store managers believe a student selling a book which he bought used should receive only 50 per cent of the used price. They do not, however, then sell the book at 75 per cent of the used price: the price remains the same, or, if the list price has risen, it may even increase.) (*2*) The professor is changing the text and the student is offered the wholesale value, which is 25 per cent of the list price. Or, if the text does not have many adoptions across the country, the jobber price may replace the wholesale price. Jobber prices can be—and often are—25¢ or 50¢. In fact, a book can sell for $12.50 in September, be discontinued on that campus at the end of that academic year, and have no value at all when the student tries to sell it in May.

Jobber valuation is determined from the "buying guide" which wholesalers make available to bookstores. Ten or twelve years ago, there were three major buying guides—published by the "big three" in the wholesale textbook business: Barnes & Noble in New York; Follett's in Chicago; Nebraska Book Company in Lincoln—which bookstores consulted as used-car dealers consult the industry's blue book. These guides had listings of most major textbooks with copyright date, edition number, retail price and wholesale valuation.

If *Price Systems and Resource Allocation* by Leftwich was discontinued as a text and the Barnes & Noble guide said it was worth only 50¢, the student got 50¢. The arrangement was that the bookstore would ship all its copies of Leftwich to Barnes & Noble, which paid the postage plus a 15 per cent commission to the bookstore for acting as agent. Years ago it was as simple as that, and student employees in the bookstore could attest to the honesty of the operation: the bookstore was not lying but *was* shipping the books to Barnes & Noble. This system obviously still ignored the basic problem of the incredibly rapid depreciation of an item which seemingly had no "time-value."

The buying guides now being published reflect the changing adoption patterns of American higher education: if a text is considered "good"—that is, widely used—and is in a new edition, it may be worth 25¢ more than the 25 per cent at a campus where it is not an adoption. If it is not new and not widely used, it drops quickly to the $1 level.

A new factor has entered the picture for the $9 book that is suddenly worth $1. Any store manager will tell you that a textbook store makes no money on textbooks. But the low prices these stores pay for discontinued texts has opened their eyes to the money that could be made if they matched that book with a store serving a school which *was* using it as a text. They could then sell it as though they were wholesalers! Thus the $1 is turned very neatly into $4.50.

The bookstores' defense for such practice is that they take a great risk in buying the book at $1. They may not be able to find a school using it. True, but they can always fall back on the "large national wholesaler" who will give them the 15 per cent commission if they find themselves unable to turn the 450 per cent. Also, college bookstores are organized to avoid these risks. Through the National Association of College Stores (NACS), member stores are able to list their surplus stock for sale, and all members receive copies of the listing. It goes out each week, year round. There is also a listing of items that stores want to buy, most of them allowing books to be shipped without purchase orders, in quantities specified, until a given date. Thus the agile book man (and within the NACS there are many) knows before books are even discontinued on his campus what schools are using those books and how many he might be able to sell. This obviously requires some coordination, but there are many in the business whose reputations are built on their ability to do it by memory.

Much of the bookstore manager's willingness to shortchange his customers springs from the feeling that students are rich and cynical about books and deserve to be cheated. Also, so much theft goes on that stores must move into expensive, secure quarters to combat it and, because of this higher expense, must drift away from the major emphasis on books and into soft goods—high-priced items with a big markup. Quite aside from what I have said about the business to this point, that attitude degrades it.

Bookstores serving large colleges and universities often have elaborately designed book sections. Although they never seem to have the book you want, they do often have a fair—if not representative—stock. But, if you happen to be interested in "learning" about a subject, getting into it for the first time, and know of no specific titles, your chance of finding someone on the sales floor to help you is slight. The staff is efficient in ordering, stocking, shipping, receiving, handling phone calls, operating cash registers, etc., but at most stores you will look in vain for someone who can help you find a respectable basic book.

With the great unemployment among graduates of universities and colleges, you would think this need could be easily filled. Let me relate what advice Ivan Sanderson had for his colleagues in the textbook business. Sanderson, until recently the manager of the Stanford University bookstore, said in an article entitled "Bombs, Squeeze and Intrigue" in the *College Store Executive*: "Look at the number of degrees a prospect [for employment] has from your own university. Check out all overqualified people. Have a healthy suspicion for graduates with degrees in English, anthropology, political science, archaeology, art and related humanities."

Since he has personally been through some store "trashings," Sanderson speaks with authority to other managers of "institutional stores," those located on the campus proper. The managers who heed him most are those most besieged by radicals, blacks and others who foment unrest on the campuses. Since his attitude is widespread, book sales fall off and previously respected bookstores are now trapped into the cosmetics business. When to that is coupled the present policies about buying and selling used books, one need not wonder that students are dismayed. □

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BOOKS & THE ARTS

The Invisible Poet

T. S. ELIOT: A Memoir. *By Robert Sencourt. Edited by Donald Adamson. Dodd, Mead & Co. 266 pp. $8.95.*

THE WASTE LAND. *By T. S. Eliot. A Facsimile and Transcript of the Original Drafts, Including the Annotations of Ezra Pound. Edited and with an Introduction by Valerie Eliot. Harcourt Brace Jovanovich. 149 pp. $22.50.*

ROBERTS W. FRENCH
Mr. French is editing T. S. Eliot: The Critical Heritage. *He teaches at the University of Massachusetts.*

Curious, that we know so little about Eliot. The bibliography is vast, as everyone knows, but what are we to conclude from it? The man is as perplexing as Mr. Appollinax and just as elusive, though there seems to be increasing justification for Randall Jarrell's description of him as "one of the most subjective and daemonic poets who ever lived, the victim and helpless beneficiary of his own inexorable compulsions, obsessions." He was, Jarrell added, "from a psychoanalytic point of view . . . far and away the most interesting poet" of our time.

And yet, almost seven years after his death, there is no edition of letters and no critical biography, nothing on the scale, say, of Ellmann's *Joyce* or Thompson's work on Frost. Eliot wanted no official biography, as we might have guessed from his critical pronouncements, and information about him is both hard to come by and carefully controlled by the Eliot estate; in addition, there seems to be a conspiracy of silence among those who were closest to him. (John Hayward, with whom he lived for twelve years, left his collection of Eliot materials to Cambridge with the stipulation that they not be released until the year 2000.) We must pick up what pieces we can as they happen to come to us.

The two books under review help to fill out the portrait, though they leave many questions unanswered. One of them is useful and the other invaluable. The useful one is Robert Sencourt's *T. S. Eliot: A Memoir*; it would be even more so, surely, had the author received any cooperation from the Eliot estate. Sencourt knew Eliot from 1927 until the poet's death in 1965; and on his own death in 1969 the unfinished typescript of this memoir was found among his papers. Though much of the material in it is available elsewhere—in Herbert Howarth's *Notes on Some Figures Behind T. S. Eliot*, for example—the book is useful in several ways: it offers a few personal glimpses of Eliot, it brings together much helpful information, and it provides a good deal of new material about the people who were close to Eliot at various points in his life. Primarily, Sencourt helps to fill in the background; but as for Eliot himself, he is still the invisible poet.

Admittedly, it is not the author's intention to interpret his subject. He never startles us with fine perceptions, and such comment as he offers is often unnecessary. Do we need to be told, for example, that "scrupulous as he was, Tom would never deny the existence of sex instinct either in himself or anybody else"? Sencourt is a researcher and recorder, not an interpreter, and he is a better researcher than recorder. Therein lies a major weakness of the book. The names, dates, places are all there, but Eliot is not—for Sencourt's habit is to tell rather than to show. Thus he remarks that Eliot's "humour was delightful in its effervescence, his talk engrossing in its surprises, in his judgments of men, literature and things he dazzled in his alternations of mildness and severity"; but what did Eliot say that was so effervescent, delightful and dazzling? Hardly a hint is given us. We must hope that somewhere there is a Boswell now busily writing his life of Eliot.

The lack of direct quotation is especially disappointing because Sencourt had personal knowledge of two crucial events in Eliot's life, his first marriage and his conversion to Anglo-Catholicism. When Sencourt met the Eliots, it was at Divonne-les-Bains, near Geneva, where all three were undergoing treatment for nervous disorders; and very shortly afterward, he arranged for Eliot to stay with Lord Halifax, who assisted in his conversion. Sencourt offers us glimpses of both episodes, and the glimpses are well worth having; but they are no more than that, for Sencourt rarely presents us with the details that make events and people come alive. The experience of Divonne-les-Bains, for example, is covered in less than a page, and memories of Eliot's conversation are limited to one indirect quotation about his never having been a practicing Anglican. Again, we are told of great difficulties in Eliot's marriage, caused largely by the growing mental illness of Vivien Eliot, and we can well believe that "married life stretched taut the highly-strung structure of brain and nerves"; but the outlines are vague. When Sencourt remarks, speaking of Vivien, that a friend "saw her take off the stones of a necklace, throw them to the floor and pretend they were animals which Tom must drive back into the stall," the situation is made vivid and moving, but such details are rare. Sencourt whets our appetite and brings us somewhat closer to an understanding of his subject; Eliot, however, has escaped again.

Valerie Eliot's edition of *The Waste Land* manuscript is invaluable, not only for the mass of new material it offers but also for the introduction, designed to give the reader some sense of the circumstances surrounding the composition and publication of *The Waste Land*. As much as possible, she has allowed Eliot to tell the story in his own words, through letters. The introduction shows that an edition of Eliot's letters, should we ever see it, will be of extraordinary interest, for the excerpts in this volume depict clearly the strains, tensions and anxieties under which Eliot was laboring during these difficult years. He was overworked and exhausted, his finances were precarious, and there were constant problems of health, his wife's even more than his own. In one letter to John Quinn he speaks, frankly and openly, of his situation and then adds a handwritten notation to the typescript: "I am worn out, I cannot go on." It may be that Eliot's achievement is even more remarkable than we had hitherto suspected.

The Waste Land manuscript contains, in addition to the lines that became the poem we know, several hundred lines once considered for inclusion in the poem and several hundred more lines of miscellaneous poems. The manuscript is, of course, the one that was presented to Ezra Pound for his annotations in 1922, was sent to John Quinn later in the same year, and was long assumed to have been lost until in 1968 it was revealed to be in the New York Public Library. Of Pound's role, Eliot has written: "It was in 1922 that I placed before him in Paris the manuscript of a sprawling, chaotic poem called *The Waste Land*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

which left his hands, reduced to about half its size, in the form in which it appears in print. I should like to think," Eliot added, "that the manuscript, with the suppressed passages, had disappeared irrecoverably; yet on the other hand, I should wish the blue penciling on it to be preserved as irrefutable evidence of Pound's critical genius." The manuscript is fascinating reading, and will not soon be exhausted. The facsimile of the manuscript appears on the left-hand page and the transcript on the right, with Pound's annotations in red. That the book costs $22.50 is unfortunate, but not, I think, surprising. It is a handsome production.

The evidence of the manuscript points to at least two basic conclusions. It has been suggested in the past that if we had the original text, the poem might be more coherent, the transitions clearer and the structure more sharply defined. Not true; if the complete manuscript had been printed in 1922, the same kinds of questions would still have been asked and the poem would still have been called incoherent. If anything, the complete manuscript creates more problems than the published text, if only because it is longer and offers more parts to be accounted for. When Eliot himself was asked in 1959 if the excisions changed "the intellectual structure" of the poem, he answered, "No, I think it was just as structureless, only in a more futile way, in the longer version."

The second conclusion has to do with Pound's role. Sometimes Eliot took his advice and sometimes he did not; but of course we do not know, apart from a few scattered remarks preserved by Eliot, exactly what Pound may have *said* to him in Paris during their discussion of the poem. Pound's notations sometimes point to definite revisions, sometimes not; but when his meaning is clear, he is generally sound and right. As a critic, in short, Pound looks very good. He is especially helpful in pushing Eliot toward conciseness and precision. For example, in a draft of the typist episode Eliot wrote: "Across her brain one half-formed thought may pass." Pound growled, "make up yr. mind you Tiresias if you know know damn well or else you dont." Tiresias made up his mind; in the published text the line reads, "Her brain allows one half-formed thought to pass."

Three major sections were deleted from *The Waste Land*, but none of them would make the poem any better than it is; Eliot was right to leave them out (and of course the final decision was his, whatever suggestions Pound may have made). It was Eliot, apparently, not Pound, who canceled the original opening of the poem, a fifty-four line section in which the speaker recalls a night on the town ("First we had a couple of feelers down at Tom's place"). It is a relaxed and colloquial piece of writing, but compared to the verse of the pub scene—that other bit of low life—the verse is slack and lacks tension; it would have made a slow opening to the poem.

The second major deletion was an eighty-seven-line imitation of Pope, intended as the opening of Section III, "The Fire Sermon." Pound scratched a line through the entire poem, and he was absolutely right. As Eliot has recalled, Pound told him that "Pope has done this so well that you cannot do it better; and if you mean this as a burlesque, you had better suppress it, for you cannot parody Pope unless you can write better than Pope—and you can't." The verse is patterned after *The Rape of the Lock* and one cannot read far in it without thinking of how good Pope's poem is. For Belinda, Eliot offers us Fresca (who, though deleted from *The Waste Land*, remains to make her bid for immortality in the closing lines of *Gerontion*), but something is missing. Compared, say, to the complex harmonies of the opening lines of "A Game of Chess," where *The Rape of the Lock* hovers lightly in the background, the Fresca section is trivial and not even very clever; certainly there is nothing in its bland couplets of the distinctive tones that Eliot has given to modern poetry. Reading the manuscript, we feel both shock and relief when we make the sharp transition from Fresca to:

> *A rat crept softly through the vegetation*
> *Dragging its slimy belly on the bank . . .*

By these lines and those that follow (187-202 of the published text), Pound has written just what he should have: "O.K." and "Stet" on the typescript; and on the carbon, one word, "Echt."

The most interesting of the major deletions is the third, the original opening of Section IV, "Death by Water." This is an eighty-three-line poem inspired by Ulysses' narrative in the *Inferno*, Canto XXVI, and to a lesser extent by Tennyson's *Ulysses*; it tells of voyage and shipwreck off the New England coast, and it includes the "Phlebas the Phoenician" lines at the end as a sort of coda. Pound didn't like the poem; without comment he canceled lines and whole sections of it. (Disappointed, Eliot wrote him from London to ask if Phlebas should also be deleted, but Pound insisted that Phlebas was an integral part of the poem and should be retained.) The poem opens with three quatrains extolling the effect of the sea on the sailor, who "Retains, even ashore, in public bars or streets, / Something inhuman, clean and dignified." This

THE AIR CHILDREN

We overcome nothing, nothing overcomes us.
We are children of the air,
no longer do we wish to come down,
singly, in pairs, in troops, in tribes,
we ride through air, we are carried everywhere.
We overcome nothing, nothing overcomes us.

We pass through space, space passes through us,
unaltered, undisturbed. We do not touch,
obstruct no light, do not lift the dust,
nor stir the moonbeam's silver motes.
We pass, and nothing has passed.
We overcome nothing, nothing overcomes us.

Space is our manna, we grow spacious,
thin as the air that meets us always
with its surpriseless open stare.
There is always more and no one to thank.
As it comes, we take it and move on.
We overcome nothing, nothing overcomes us.

Do not think us sad, we do not think
we are sad. We are gentle. We do not care.
The wind comes and combs our voices smooth
as it does our hair. Our voices stream away.
Hear!, now, far off, they disappear,
and off, farther off, appear to appear.

We overcome nothing, nothing overcomes us.

Irving Feldman

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is an intrusive bit of moralizing and deserves to be cut, but the narrative itself moves with admirable directness to a conclusion in Dantean wordplay:

And if Another knows, I know I know not,
Who only know that there is no more noise now.

Pound may have thought the passage too derivative, and probably he was right to urge its omission, for Phlebas alone is sufficient to carry the theme. Still, it is good that the poem has been preserved.

So we have it now, the long-lost manuscript, and like *The Waste Land* itself, it is simply unavoidable; there it is, large in the foreground, and there is no way around it. Nor should there be. If I may speak from personal experience, I have found in teaching Eliot to undergraduates that he is increasingly regarded as a kindred soul; it may be that he is about to become a contemporary poet again. As Delmore Schwartz wrote in an essay published in 1945: "The moments of crisis expressed in Eliot's work are a prophecy of the crises of our own future in regard to love, religious belief, good and evil, the good life, and the nature of the just society. *The Waste Land* will soon be as good as new." □

A Queer Place Surely

COLLECTED STORIES. *By Mary Lavin. With an introduction by V. S. Pritchett. Houghton Mifflin Co. 425 pp. $8.95.*

TROUBLES. *By J. G. Farrell. Alfred A. Knopf. 446 pp. $6.95.*

VIVIAN MERCIER
Mr. Mercier is the author of The New Novel *(Farrar, Straus & Giroux) and the editor of* Great Irish Short Stories *(Dell Publishing Co.).*

"Oh, the past is a queer place surely!" says one of Mary Lavin's characters. "I think sometimes, it's like what we're told to believe Heaven is like, with no marriage, and no giving in marriage. . . ." In story after story by Miss Lavin we find a character, male or female, whose mind dwells forever on the days of courtship, before love was consummated. His or her loved one has since been lost: through jilting or death or simply the attrition of married life itself. Some of the most moving stories are doubtless based on Mary Lavin's own experience of widowhood—"In the Middle of the Fields," for example—but the longest, most harrowing tale of a bereaved wife dates from no later than 1947, long before she had any direct experience to base it on.

This story, "A Happy Death," shows a husband and wife who have both in their different ways been trapped by the past. She had fallen in love with his fastidiousness and refinement, but the only jobs he is able to get after their marriage are menial ones. Meanwhile, she takes in lodgers and prospers. Her great hope is that he will leave his miserable job and let her support him in idleness, dressed like the elegant figure she knew when they were courting. To achieve her end, she neglects his health until it's too late: on the day the story begins, he stops going to work, but only because he has to be taken to the hospital. There he lapses into unconsciousness, while she lavishes on him all the invalid delicacies he is now too ill to enjoy. When he doesn't regain consciousness sufficiently to confess his sins, her passionate concern is diverted from his body to his soul, and she prays endlessly for him to obtain the grace of a happy death. His death *is* happy, for in his final delirium he imagines that he and she are courting still, and he dies with a "look of rapturous happiness" on his face. His wife is inconsolable because his death has not been happy in the theological sense: he has ignored the priest at his bedside. The mixture of comedy and pathos in the hospital scenes resembles nothing so much as Marmeladov's funeral dinner in *Crime and Punishment.*

"Brigid," only one-seventh the length of "A Happy Death," also contains a married couple at loggerheads for twenty years, an evocation of their courtship, the death of the husband, and the wife's remorse—yet it is a totally different *kind* of story. Mary Lavin's artistry reveals itself in her ability to use over and over again a very small number of themes, characters and settings without ever making us feel that she is repeating herself. Not only deathbeds and wakes but also the details of burial play a big part in many stories: "The Green Grave and the Black Grave" weighs the relative merits of burial in the earth and in the ocean; "Sunday Brings Sunday" has some of its most vivid moments in a churchyard; "The Cuckoo-Spit" ends amid talk of a teetering headstone; and the word "cemetery" occurs in the titles of two very different stories, "The Cemetery in the Demesne" and "A Visit to the Cemetery." The latter reminds us of Joyce's epigram, "In the midst of death we are in life." Two girls visit their mother's grave in the "old" cemetery in an Irish country town; quite naturally, they fall to talking about being buried beside their hypothetical future husbands. They decide to take a walk toward the "new" cemetery a mile outside of town, exchanging confidences about boys as they go. Who knows but that they may meet their future husbands on the way (though Mary Lavin takes care not to say so)? "The Cemetery in the Demesne" tells of a truck driver who one day has to bring a load of gravel to an old water-logged cemetery located on a private estate. At the gate lodge of the estate lives a distracted mother with a dying child. The truck driver has always been a talkative man, but after this day's experiences he finds himself for the first time at a loss for words. Something—the woman's stories of flooded graves or the problem of whether to ask the priest to read a gospel over the dying child as a last hope—preys on his mind and he becomes taciturn, to the joy of his sister-in-law and the dismay of his wife. Apparently, his inability to put one experience into words makes him unable to speak about anything else either. V. S. Pritchett, in his introduction to *Collected Stories,* discusses the Russian quality in Miss Lavin's work. Certainly there is something Chekhovian about "The Cemetery in the Demesne," but the setting and dialogue are quintessentially Irish. The setting above all: the endless soaking rain, the dripping trees, the grass and weeds that grow with tropical lushness in the chilly climate. Whenever I get homesick for the Irish Midlands, I can find one aspect of that landscape everywhere in Mary Lavin's County Meath; the other aspect, the wet desert of bogland in my own county of Offaly, is nowhere to be seen among her fertile meadows and womblike woods. Pathos, piety and patience come naturally in a climate where, when the rain is light instead of heavy, the natives greet one another with "A fine, soft day, thanks be to God!" Don't make the mistake, however, of thinking that the rain has altogether chilled Miss Lavin's blood. Read "A Visit to the Cemetery" or "The Long Ago" or the last page of "A Tragedy" and you will be convinced that she prefers life to death.

After earning my living for a quarter of a century by writing and talking about literature, I find it a pleasure as well as a shock to come across two works in one week whose unique quality I am unable to convey, let alone to analyze. One is "The Ceme-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tery in the Demesne," the other J. G. Farrell's rather old-fashioned novel *Troubles*. I read the whole of this long-ish book in one day, literally unable to put it down. Mr. Farrell is a born story-teller, as they say, yet he has no story to tell. Here once again there is no marriage and no giving in marriage. I should explain that there are two and only two schools of fiction that deal with the Irish "troubles" of 1916-23. One is the Liam O'Flaherty school, in which a novel must end with the gory death of the protagonist (either on the steps of a church, as in *The Informer*, or plunging, tied to a fiery cross, over a cliff into a lake, as in *The Martyr*). The other is the Elizabeth Bowen school, whose novels are not very eventful but must end, as does her *The Last September*, with the burning of the Big House—not a penitentiary but the residence of the local English or Anglo-Irish landlord. Farrell unquestionably belongs to the latter school—his book even carries a recommendation from Miss Bowen on the jacket. He has created a Big House to end all Big Houses—the huge, ridiculous, yet sinister Majestic Hotel, which goes up in flames by accident, not by IRA design, at the end. The character through whose eyes we see the events of this book, as in so many other Irish novels since the days of Maria Edgeworth, is a bemused Englishman. Major Brendan Archer, a casualty of World War I, goes to Ireland with a vague idea of marrying the daughter of the erratic aristocrat who owns the Majestic. But Angela is dying of leukemia, though, in typical Anglo-Irish fashion, her family never get around to telling the Major, for they assume he already knows. After Angela's death, he falls in love with a local middle-class Catholic girl but makes no attempt to win her; she eventually elopes with one of the hated "Black-and-Tans," British "counter-insurgency specialists" (to employ a modern euphemism for counter-terrorists). After the IRA nearly succeed in killing the Major by a peculiarly sadistic method, he drifts back to England, as bemused as ever. At regular intervals the narrative has been interrupted by editorials and news stories dealing with the troubles of the British forces in Ireland, India and Bolshevik Russia. These appear to be authentic quotations from the only paper then read by Irish Protestants, *The Irish Times*. Although horrors are constantly being perpetrated all over Ireland by both British and Irish, only at the very end do they impinge directly upon Kilnalough, where the Majestic stands—or, rather, totters. No doubt the hotel symbolizes the decaying British Empire, but it is also a gloriously comic creation in its own right. The human characters become insignificant by comparison as the hotel takes on a life of its own. Decay, after all, is a form of change, with its own sort of life and growth and movement. The multiplying cats, the overgrown vegetation in the Palm Court, the tree root that surges through the floorboards, all remind us of this fact.

Farrell, a Liverpool Irishman still in his 30s, somewhat resembles Henry Green, while avoiding his economical style: Green's understated humor is combined instead with an Irish loquaciousness. Not having read Farrell's three previous novels, I can't tell to what extent he has already created a fictional world of his own. Mary Lavin began to create a style and a world of her own in her very first book, *Tales from Bective Bridge* (1942): two stories from it are still included among the twenty-two in *Collected Stories*, which is the first big collection of her work to appear in the United States—a worthy successor to the Macmillan *Selected Stories* of 1959. Constable of London issued *The Stories of Mary Lavin* in 1964, but only nine of its twenty-three stories are reprinted in the handsome new volume. Many other fine stories, such as "Lilacs" and "The Nun's Mother," have been chosen by anthologists but do not appear in either of the collected volumes. This reader, and many another besides, will never be satisfied with less than a Complete Stories of Mary Lavin. □

Power and Powerlessness

WOMAN IN SEXIST SOCIETY: Studies in Power and Powerlessness. *Edited by Vivian Gornick and Barbara K. Moran. Basic Books. 515 pp. $12.50.*

MARGARET LICHTENBERG
Miss Lichtenberg is a poet and free-lance writer working in New York.

A considerable number of books inspired by the present wave of feminism have been published since Betty Friedan's *The Feminine Mystique* appeared in 1963. It has become apparent that the women's movement is not merely a revival of the hundred-year-old feminist struggle for social equality. Once women came to understand that they had been isolated economically and politically from the mainstream of American life, the Woman Problem redefined itself for them as a consequence of "sexism." Since 1970, the American feminist movement has been engaged in a struggle to break free from a discriminatory class system based on sex roles.

A collection of thirty essays, *Woman in Sexist Society* analyzes woman's condition as determined by the sex role she must fulfill. Unlike *Sisterhood Is Powerful,* the outstanding anthology of 1970, whose contributors came from many social classes and educational backgrounds, this latest collection presents the works of professional writers and scholars.

In a revealing essay on depression in middle-aged women, Pauline Bart, a sociologist, says, "A nation's humanity may be measured by how it treats its women and its aged as well as how it treats its racial and religious minorities." From the sociologist's point of view—as from the prostitute's, the woman artist's, the isolated housewife's, or the Lesbian's point of view—this is not a good society

SEATS TODAY AT BOX OFFICE
ROBERT SHAW
ROSEMARY HARRIS
MARY URE
HAROLD PINTER'S
"OLD TIMES"
Directed by PETER HALL

OPENS NOV 16 • PREVIEWS NOVEMBER 9 through 15
BILLY ROSE THEATRE 41st St. W. of B'way. WI 7-5510

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in which to grow old or simply to be a woman. Pauline Bart chose to write about depressed middle-aged women because of the insight their case affords into the essential condition of womankind: that of a politically controlled human being in a society dominated by men. The essay—an eminently readable one—discusses the prejudice that the most important roles for women in this society are those of wife and mother, and the fact that between the ages of 40 and 59 a woman loses those roles. If women are conditioned to invest all their emotions in their children, and are discouraged from self-development, women suffer a loss of meaning in their lives when their children grow up and disappear. Their roles as wife and mother determine their idea of themselves, but the idea does not include their development and fulfillment as individuals.

That society has not been willing to make use of women's talents and education but has confined them to the home is one of the obvious reasons for the women's liberation movement today. A woman's children are not now regarded as younger participants in the society (as they generally were until just a few hundred years ago) but have become, as Cynthia Ozick says in "Women and Creativity," a symbol of need and achievement for women. "Children" are there to justify "Home," and "Home" is there to justify the heroine of the fairytale, Mrs. Man. The author concludes with a moving depiction of the good woman who lives like a docile captive in our culture. "*Without protest* she permits the intractable momentum of society to keep her from its worthiness and larger adventures, from its *expressive* labor." And surely, in an achievement-oriented society, it is unreasonable to expect one sex (one half of the population) to have no need for self-expressive fulfillment.

For the most part the essays in *Woman in Sexist Society* are so well argued, so passionate, so honest, that I feel the collection provides emotional support to help its readers begin to break out of the traditional sex roles for themselves. The writers have a serious cause in common: to illuminate the political nature of woman's condition, to describe the structure of our sexist society. As the editors say in their stirring introduction, "Sexism has made of woman a race of children, a class of human beings utterly deprived of self-hood, of autonomy, of confidence—worst of all, *it has made the false come true.*"

Lucy Komisar's lively "Image of Woman in Advertising" finds women always in the kitchen or laundry room, often receiving instruction in how to do their housework from men (e.g., Arthur Godfrey)—with the male authority figure having more weight in these matters than the women ooh-ing and ah-ing over what in reality are unappetizing, repetitive tasks. Equally pointed is Una Stannard's examination of the pathetic pursuit of "beauty," by women who are mesmerized by anything that is fashionable, ready to have their freckles burnt off, their skin peeled, their faces lifted, their noses reshaped, their breasts filled with silicone. Stannard shows that the compulsion to be beautiful, which keeps women of all ages permanently insecure about their looks, is another aspect of the sex role which insists that women be decorative above all.

Another sociologist, Jessie Bernard, establishes that the paradox of "the happy marriage" is that most of the wives in such marriages are not happy at all. They are simply reconciled to the way things are. Bernard is bitter, since she has worked with clinicians and therapists who encourage the "Hausfrau concept of marital happiness." Therapists (90 per cent of whom are male) insist on the prototype male-to-female relationship in dealing with their female patients, since their own values are as sexually discriminatory as those of society in general. In this connection, moreover, Phyllis Chesler, a psychologist, demonstrates in "Patient and Patriarch: Women in the Psychotherapeutic Relationship," that clinicians actually have different standards of health for men and women. And they are likely to suggest that women should differ from men by being less independent, less adventurous, more easily influenced, more conceited about their appearance—in short, should conform to the stereotyped norm of femininity, accepting a passive role in life, resigning initiative and responsibility to that good provider, their husband.

In Kate Millett's intensely personal rather than scholarly contribution, "Prostitution: A Quartet for Female Voices," the candid dialogue of two prostitutes and the sisterly empathy the author has for them reveal the deep emotional solidarity between women, based on their shared condition. Catharine Stimpson points out the similarities between that condition and that of the blacks, reminding us of the origins of American feminism which grew out of the Abolitionist movement. All these essays are poignant studies in power and powerlessness. They are professional, combative, serious, often brilliant. It is the more surprising, therefore, to come upon an example of bald rhetoric—an exception in this collective effort.

Strong as is the argument advanced by Sidney Abbott and Barbara Love on the validity of Lesbianism, their essay falls short when they dismiss the validity of love between heterosexual equals. Since truly equal relationships between men and women are still less common than relationships dominated by men (just as homosexual relationships are less common than heterosexual ones), it would be premature to discount the possibility of equal heterosexual relationships. Indeed, to eliminate dominance in human relationships, it is necessary to eliminate the stereotyped male and female sex roles. True, to free ourselves from role-playing takes a lot of work; there are very few men interested in an honestly equal relationship with a woman. It is all too rare to read a distinguished article about feminism by a male writer—for example, Richard Gilman's enlightened piece on Freud and women in *The New York Times Magazine*—and so disheartening but so much more usual to hear the Irving Howes trumpeting hysterically against feminists. Nevertheless, Richard Gilman exists. Few as they are, fewer perhaps than Lesbians, there are men eager to be relieved of the pseudo-ethic of *machismo* and willing to work toward equality in love. Abbott and Love assert that feminists who have men in their lives, who experience the wonderful feelings that self-possession and individuality exert in a woman, are "shot down when they come home and are dominated by men in bed . . . the male as conquerer asserts his masculinity and the female is expected to be a passive receiver. All her politics are instantly shattered." Many feminists with men in their lives know better than that, or they wouldn't be interested in the men to begin with. There are other feminists, like some radical women's groups, who have turned to celibacy or masturbation or to a sexual preference for women. But like all women, all men are not the same. A black and white distinction is

THE SPIDER

The spider has always seemed essential
of the air, depending on
nothing but his own
reflections: wherever
they are: but here
we enter, opening doors
after weeks, and there he
is in the bathtub slipping
on porcelain walls / he can't
amaze anything with
hypnotic yarns
nor fool anyone with his
trompe l'oeil: *instead*
he curls into
himself.

Robert Vas Dias

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as reactionary as the obsolete sex laws Lesbians are standing up against.

Single voices by themselves can be enormously effective, and surely Kate Millett has succeeded in breaking the back of the Freudian mythology with *Sexual Politics*. Yet there is something equally exhilarating when many powerful voices are raised in the feminist cause. An anthology, moreover, is a most appropriate vehicle to present the feminist point of view, since the women's movement is a collective action representing a variety of individuals. In that regard, too, *Woman in Sexist Society* is a particularly impressive addition to the writings from the women's liberation movement. □

We Don't Know What We Want

THE MAGIC WILL: Stories and Essays of a Decade. *By Herbert Gold. Random House. 304 pp. $7.95.*

ROBERT K. MORRIS
Mr. Morris has written several books of criticism on British fiction, and frequently reviews contemporary literature.

Written over ten years, these pieces make up scattered but related islands of experience in Herbert Gold's personal odyssey of thirty: from the shattered idealism of his adolescence and manhood during World War II, to middle-aged hope, disappointment and perplexity during the Biafra crisis and after. Rather than sift fact from fiction in this volume, Gold goes out of his way to blend them; for, as he tells us, "my own essays are stories . . . my stories are essays." What he means is that, for him, the "shorter forms" dealing with "catastrophe and desire" rather than death and love are two faces on the same coin, both looking toward the "magic will" that seeks "to make the real world unreal and magical, and make the unreal and magical world real and practical."

The antithesis may be little more than a clever redefinition of the method of all good writers; though Gold's aim throughout the book—"to make the expense of human life in the twentieth century seem worthwhile"—is quite another and far more ambitious thing, now that the very quest itself has become as elusive as the grail:

> We don't know what we want. We are getting something else. The old rewards, both nostalgia for Arcadia and the dream of Progress, seem to be mere black comedy now to the swinging and the swung. Conscience is drenched in confusion.

Such an observation being no longer a matter of opinion but of fact, it might seem impossible for even so sensitive and sensible a writer as Gold to wrest sense from confusion. The past three decades are a horror show: World War II, Hiroshima, McCarthyism, the abortive invasion of Cuba, assassinations of the Kennedys and King, Vietnam, Biafra, automation, epidemic dope traffic and violence, the fragmentation of culture, creeping policism—events that find their way in one guise or another into Gold's book. Imaginatively, however, he eschews the artistic foresight or hindsight that flashes blurred pictures of our apocalypse. Instead he concentrates on life's routines that cause only small waves in the great tidal wash of history, but which make the greatest daily impact upon us. Growing-up, lovemaking, marriage, work is the dross of ordinary existence, but a good writer, mastering the alchemy of style, can turn it into precious metal.

In many instances Gold is really good, making the human condition at least *appear* important despite the onslaught of dehumanizing processes; and in three stories he approaches brilliance. "A Death on the East Side," about a wealthy, aging, public relations type in Manhattan's jungles who successively fails in his private relations with wife, mistress, daughter and friends, translates personal failure and emptiness into a universal symptom. The divorced man visiting his two girls at Christmas in "I Want a Sunday Kind of Love" discovers how impermanent and fragile part-time feelings can be, and how no one can escape loneliness. And the whole lonely, frenetic, divisive, yet somehow vital Bohemian subculture around San Francisco is evoked through the story of the heyday and decline of a charismatic figure in "Song of the First and Last Beatnik."

But what works smoothly in Gold's fiction comes in for some heavy tooling in most of his essays—or rather, in the loose, baggy pieces of nonfiction he calls essays. Nostalgia, reflection, confession and irony, nicely balanced in his best stories, are too often curiously transformed into repining, pontification, self-advertisement and ill-humor—and all that indiscriminately. Seeking to understand himself, to sound his own passions and values, to untangle the man-as-writer and the writer-as-man from besetting incoherences, Gold tends to lump together all he loves and hates in a potpourri of impressions. Thus his obvious distaste for the values of Middle America share the same platform of grievances as his (too many and too similar) reflections on Haiti: Duvalier's Tontons Macoutes being at times indistinguishable from certain hateful and irrational citizens of Joplin, Mo., or the frat boys on a campus at which he taught. What saves Gold, even in moments of anger, from mere vitriol and sniping, is his repeated self-condemnation. He has lapses into feelings of superiority, but on the whole he is ready

In Pursuit of Relevance
by Henry David Aiken
416 pages $11.95
Is the American university becoming a child of Frankenstein? Are humane values and quality of life being sacrificed at the altars of the government-industry-military-education complex and the multiversity? In these essays, Aiken offers cogent comments on the youth movement from the anti-art trend to ethics and the new morality. A stimulating critique of modern educational ideals.

Predicament of the University
by Herbert J. Muller
320 pages $10.00
To what extent, if any, is the study of the humanities "relevant" to us today, in the age of the bomb and the computer? What, in the present social crisis, is the real meaning of such terms as freedom and democracy? Forcing no dogmatic yes or no answers, Mr. Muller discusses dilemmas from the Vietnam war to the state of higher education in order to examine our traditional heritage to see what has meaning for us today, and what has not.

Indiana University Press
Bloomington, Indiana 47401

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to wear the shoes of anyone he meets. After his piece on random violence, "Let's Kill the First Red-Haired Man We See," he can admit to identical desires to be violent himself; and returning from witnessing starvation, misery, death, hypocrisy and madness in Biafra ("My Summer Vacation in Biafra," "The Death of Biafra as Seen from San Francisco"), wrath, indignation and despair can melt away in the face of his bourgeois creature comforts and a good, hot meal. The fact that the man who wrote *Salt, Fathers, The Great American Jackpot* and *The Man Who Was Not With It* is still very much "with it," owes much to his surrendering in the end all pretense and self-importance, dropping the pose for the cause.

I don't imagine anyone will find this mixed bag Gold's best work. Still, during those moments that invigorate second-rate work by a first-rate writer, the voice is urgent and its effect is considerable. Gold is one of a vanishing breed: the over-40 American novelist who, nobly and improbably, can actually be considered a humanist. My appeal to the term does not imply some moribund Renaissance ideal but is directed to its root. Gold still thinks about such quaint and innocuous things as human beings; still believes them more important than machines or systems or ideologies; still hopes we can salvage order from chaos. He writes, in short, of the illusions we dare not surrender. He is Sancho Panza tilting at Don Quixote tilting at windmills, the realist goading the idealist challenging the reality. Such a writer is bound to get a critical battering, and perhaps the real magic of the will is that Gold keeps coming back for more. □

STAGE & FILM

Harold Clurman

It has been suggested by some reviewers that Melvin Van Peebles' *Aint Supposed To Die a Natural Death* (Ethel Barrymore Theatre) is a show only blacks may be able to appreciate. In a way that is true, but many blacks also object to it. The motivations for the criticisms differ.

Van Peebles calls the work "Tunes from Blackness." He wrote the book (dramatic scheme would be a more accurate designation), words and music. The scene is any big-city ghetto where the majority of the inhabitants are black. The setting by Kurt Lundell is not in the least squalid; it is in fact a handsome and practical stage design, rhythmic in architectonics, and with a sort of sullen glamour. This quality is attractively conveyed by the action, though the music and words reek of the painful reality of the local life. Somehow, and this constitutes the success of the piece, the effect is not depressing and extends beyond narrow racial scope.

The presentation teems with activity; it is continually in movement. One actor or another in the large cast (not always readily identifiable by name) half recites, half sings verses which bespeak a situation or a sentiment. These are accompanied by illustrative or contrapuntal action, embodying the theme of each number and indirectly the essential meaning of the whole. Many of the "stories" that the set pieces tell are sordid and cruel; yet the total effect is tender without being in any way sugarcoated.

A fire escape reaching the corner of a building in the crowded, ill-ventilated quarter is the *Coolest Place in Town. Three Boxes of Longs Please*, I take it, is about the purchase of illegal cigarettes. *Rap It to Me* is the refrain of a blind beggar who, having inhaled the fragrance of a girl passing by, pleads with someone to describe her charms. *Come Raising Your Leg on Me* is the saucy protest of a girl with whom some fellow has become too fresh. Two policemen—one white, one black—make a sexual victim of a prostitute they have arrested. A Lesbian sings a heartfelt farewell song to her beloved. A middle-aged man sounds a plaint, both ludicrous and sad, against an unfaithful woman. In *Lily Done the Zamboughi Every Time I Pulled Her Coattail* a bereaved lover recalls the image of a girl whose erotic appeal (and Barbara Alston has it) was demonstrated in a body-quivering dance. There are killings.

One episode called *You Gotta Be Holdin' Out Five Dollars on Me* shows a pimp beating up his whore. It is a savage sight, yet many in the audience laugh and applaud: a phenomenon of ambiguous socio-psychological significance. In the midst of these unflinching glimpses into the festering life of the community, a man shouts "Black is beautiful; it is also bad."

At the end, in the spirit of a voodoo "hex," Minnie Gentry chants *Put A Curse on You*. "You" is the audience, white and black—in other words, the entire society. The whites don't like the show because it is not ingratiating: without being "propaganda," it is accusatory. Though it is lyrical at heart, it is also harsh in a way that the popular *The Me Nobody Knows* is not.

The blacks don't like it because they want to see their people in a kindlier light. Minorities are extremely sensitive about any representation of their condition which does not appear to commiserate with them, to praise them or to depict their rebellious courage. The Jews don't want any portrait of themselves less benign or winning than *Fiddler on the Roof*; there is no Mafia among the Italians, no rowdies among the Puerto Ricans, etc., etc. The blacks, I have indicated, do not like Van Peebles' "picture" of them, but they do appreciate it—that is, they understand its truth, a *partial* truth certainly, but a truth nonetheless.

I believe most of the recriminations against such a show are mistaken. We should understand the wisdom—though cynically put—of Mark Twain's reply to a person who asked him what he thought of the Jews. "They are human beings," he answered, "and I can't think of anything worse to say about anybody." There is no reason for people to be ashamed of the seamy side of their collective behavior, except the Germans in regard to Hitler's domination of them, the French in relation to events in Algeria, the Russians in Hungary and Czechoslovakia, the Americans in Vietnam, etc., etc. The open avowal of our crimes is a curative impulse. They are the true patriots who want their people to be better than they are, and when they fail to be so, scourge them.

It must be said at once of Van Peebles that he is not vilifying his people. He sees the tragedy in what many of them have become through oppression. If he were more simple-minded he might declare, "This is what you whites have made many of us, this is your doing." Van Peebles does not preach; he records —with ferocity, with anguish, and curiously enough with a strange grace.

When a considerable part of the audience laughs and applauds the sadism of Van Peebles' flashy pimps, it is unknowingly giving vent to many things: relief from the frustration and humiliation it has suffered, oblique vengeance at the degradation of prostitution, asserting, even at the cost of horrifyingly ugly traits after so many years of being the underdog, its pleasure in "success" at anything at all, no matter how coarse and blameworthy. Thus when Adam Clayton Powell was scored for living in luxury while his Harlem constituents were wretchedly poor, a black man in the audience cheered in approbation of Powell's craftiness and good fortune! Such manifestations are terribly disheartening, but they exist and are rooted in the turbid deeps of human confusion and despair.

Aint Supposed To Die a Natural Death is not a "good show." At first, Peebles' repeated use of the key line which gives each of the musical bits its title is irritatingly monotonous. But as

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the evening progresses to its second half, the reiteration of the main motif takes on the nature of an emotion boiling over. His writing may not be "literature" or "poetry" as commonly conceived, any more than his tunes partake of "musical art," but they all serve those functions—and are of value even as literature, poetry and music.

I came away from *Aint Supposed To Die a Natural Death* stirred and peculiarly "elated": I had been in contact with hard-pressed men and women, throbbing with the passions of existence.

While in Paris last June I saw *Le Chagrin et La Pitié*, a long documentary film which was recently shown at the New York Film Festival under the title *The Shame and the Sorrow*. I did not know at the time that I was going to review it and didn't take note of its manifold details. But the film impressed me strongly; I hope it will gain general distribution.

The director, Marcel Ophuls, and his assistants who composed the film, set out to illuminate the historical past—the time of the Nazi occupation of France—by viewing it from the vantage point of the present. They interviewed a large number of people—French and German—political and military figures, lawyers, shopkeepers, peasants, collaborators and resistants who were in one way or another involved in the dreadful events. The film's inquiry is focused on the activities of the Nazi occupants and the native citizenry in the industrial city of Clermont-Ferrand. The film makers achieved cinematic unity by placing the intellectually towering person of Mendès-France, who for a while was a prisoner of the Vichy government, in the film's central position.

After the picture was exhibited (almost clandestinely), Mendès-France asked someone, "How am I as a picture star?" My answer is "very good." His directness, quiet humor, dignity, unemphatic forcefulness and clarity in speaking of his "adventures" and views endow the film with poise and weight.

The Shame and the Sorrow offers insight not only into the specific character of one moment in French and European history but into history in general. This film persuades one—as do few books, novels, plays or eyewitness reportage—of the truth of Karl Marx's aphorism: "History walks on two feet," in other words, that it is enacted by ordinary as well as extraordinary men and women.

Very little history is purely "ideological." When a peasant is asked why he joined the resistance, his answer is, "I saw that the German soldiers were eating well, and we had almost nothing." The gentile lawyer who defended Mendès-France, accused of desertion, tells the interviewer that the chief judge instructed the court that questions of religion (Mendès-France is a Jew) were to be excluded from consideration, but that anti-Semitism was very much in evidence anyway. A prominent personage and former collaborator, now regretful of his role, is asked whether, just before the outbreak of the war, he would have felt insulted at being designated a Fascist. He answers in the negative. Women, now employed or in business for themselves, who suffered the degradation of having their heads shaved because they had "fraternized" with the Germans, answer the investigators in tough self-defense.

A now retired German officer is questioned at his daughter's wedding (with all guests present) about his duties as commander of the occupying forces in Clermont-Ferrand. He wears all the decorations awarded him by the Nazi government. "Are you embarrassed to be displaying all these medals now?" "No," he answers, "only those who didn't win them are embarrassed." When further interrogated as to whether he would act once again as he had during the occupation he answers with complacent assurance, "Yes, I would."

Mendès-France, found guilty and therefore in danger of death or long imprisonment, undertook to escape. He was about to lower himself by a rope from the window of his cell when he noticed a young man on the street below having difficulty coaxing a girl to yield her favors to him. Mendès-France confesses that he was rather impatient with the procrastinating girl. However, she finally consented, and Mendès-France was able to effect his escape. He fought as an aviator for the liberation of France.

I am an admirer of French culture, so I was unhappy to learn on my return to Paris in 1947 that not all of France had been resistant. How naive! I heard a woman, sitting in the Tuileries Gardrens, whisper furtively, "We were better fed under the Germans"; she looked up at me apprehensively as I passed. At the opening night of Sartre's *Death Without Burial*, about the struggle between the militant collaborators and the resistants, the audience split according to their former political stance and engaged in fierce vituperation against one another, causing total pandemonium. Arthur Miller's *Incident at Vichy* (1964) could not be produced in Paris lest it arouse ancient animosities (it is only now about to open there).

Watching *The Shame and the Sorrow*, I think of France, one nation among many. I understand not simply "this is how and what happened" but this, almost anywhere in the world, is what can happen again. The history of mankind is not a pretty tale. Still we live! □

LETTER HOME

workers are unloading
music from the holds of ships
at every harbor in the world
cranes lift high the music
and lower
wheels turning
to the docks
all that music
coming from everywhere to us
oceans and skies between us
and joining us
all that music

Jonathan Matthew Schwartz

ART

LAWRENCE ALLOWAY

When Yoko Ono married John Lennon she became a celebrity and the intellectual mobility of "the writing Beatle" was confirmed too. At the Everson Museum, Syracuse, Conceptual art and show business combined to make a big but shrinking show of her work under the title "This Is Not Here." Many of her works are intended less as objects for contemplation than as triggers to make viewers do or think something; hence the title, but it fits in another sense because the exhibits have been ripped off and broken at a great speed. When I saw it, the original museum-wide show had been contracted to three galleries. The remains include forms that are the wrecks of traditional art and the conversion of ordinary objects: a row of empty small identical gilt frames with extended captions; (unworking) dispensers for acorns, dried cat droppings, and tears (plastic phials); an anvil, a radiator, weights and a refrigerator made of styrofoam (very light simulacra of heavy objects). The show began with a blast of publicity which produced an opening night crowd beyond the capacity of a museum to handle and attendance has continued high, even though now there is less of the show to see. It must be admitted that exposure of this kind has not endeared Yoko Ono to other artists, but the work is interesting and not just from the point of view of public relations.

The first point to make is that Yoko Ono worked in the area called Con-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LITERARY SERVICES

WELL-KNOWN EDITOR-WRITER analyses and/or revises fiction—non-fiction. Market ideas. **Box 666, c/o The Nation.**

EMPLOYMENT WANTED

UNUSUALLY alert, left oriented male, 37, desires challenging position in social sciences or elsewhere. Presently teacher-secondary level. Resume upon request. **Write Box 667, c/o The Nation.**

MONEY MAKING OPPORTUNITIES

HOW TO MAKE MONEY Writing Short Paragraphs! I tell you what to write, where and how to sell, and supply lists of editors buying from beginners. Small checks can add up to worthwhile extra income. Write to sell right away. Send for free facts **BARRETT, Dept. C-468-B, 6216 No. Clark, Chicago 60626.**

PERSONALS

WOMAN, retired or semi-retired school teacher or librarian, or similarly well educated woman needed to "live in" as part time companion to very alert, cultured elderly lady-writer. Private room and bath rent free in spacious suburban Queens, New York apartment, plus all meals free. In addition, a small salary also negotiable in return for light household duties. **Please reply to Box 668, c/o The Nation.**

SEND 25 resumes distributed to **COMPANIES HIRING IN YOUR FIELD.** $1.00. 60/$2.00. **RESUME DISTRIBUTION SERVICE, 5674 Beacon, Pittsburgh, Pa. 15217.**

MEET YOUR IDEAL MATE—Scientific Computerized Matching—Nationwide. Entire cost $12. Give age. Write: **TEAM PROJECT, 1270 Broadway, New York City 10001.**

PROTEST unavailability of abortions in 5 of the world's 12 most populous metropoles—Paris, Buenos Aires, Chicago, Sao Paulo, Bombay. **POB 4069, N.Y.C. 10017.**

ABOLISH ALL ABORTION LAWS including all of New York's damnable legislation. The right of each adult human to own his or her own body is the paramount moral law, WITHOUT EXCEPTION. If it were not the woman's right to decide, then she has no right to object to compulsory abortion or sterilization either.—**AAAL, POB 36122, Los Angeles 90036.**

NOW is the time for war tax resistance. The most powerful acts against war have been those of the young men of the Resistance who have said **NO** to the draft. Now it is time for those of us who have been paying for the war in Indochina to say **NO** to taxes for war. **Join us! War Tax Resistance, 339 Lafayette St., N.Y., N.Y. 10012. Write and ask for information. Phone: (212) 477-2970.**

WRY IDEAS—New catalog 25c (deductible from first order). **Wry Idea Co., Box 178-T, Rye, N. Y. 10580.**

PATCHES & APPLIQUE (over 200), **POSTERS** (over 275, many anti-war) **BUTTONS** (135), **BUMPER-STICKERS** (50) and other peace items. Wholesale and retail. Catalogue with pictures 25¢ (refund 1st order). **BIG-LITTLE STORE, 1077 Mission, San Francisco, Ca. 94103.**

ADVERTISING RATES
Classified: 74c a line (6 words) 3 line min.
Classified Display: $7.42 per inch (min.)
THE NATION, 333 Sixth Ave., N. Y. 10014
242-8400

ceptual art before her marriage and, as a matter of fact, her best work is early. Discussion of the reasons for this may contribute to the formation of standards for a kind of art in which it often seems that anything goes. Most of the works were made from notes written in the 1960s. For instance, "Painting To Be Stepped On" is on the floor at the Everson pretty much as it was described, as an "instruction painting (. . . meant for others to do)," in her book *Grapefruit* (1964): "Leave a piece of canvas or finished painting on the floor or in the street." The idea is stable; the object is replaceable. Her pieces have a kind of haiku economy, with condensed references and recurring life-art paradoxes and quips. The "Painting To Be Stepped On," for instance, has been linked by the artist to a test given to suspected Christians by pagan war lords: the suspects were invited to step onto a painting of Christ or the Virgin, refusal being punishable by death.

To present art like this, in terms of instructions and of expendable objects, is to get into games with the meanings of art. Another early piece consists of these instructions: "Let people copy or photograph your /paintings/. Destroy the originals" This inversion of accepted value reflects accurately numerous bids by artists to make an art not bound to precious objects. The word "event" has been used in this connection and in 1966 Yoko Ono defined it very aptly: "Event, to me, is not an assimilation of all the other arts, as the Happening seems to be, but an extrication from its various sensory perceptions." We can sketch a spectrum of events that runs from paradoxes about art and the conversion of the spectator into a physical participant to anti-Establishment slogans and flower-child sentimentalism (peace in your head). Conceptual art's freedom runs from lyricism and wit to an easily claimed omnipotence of thought. The Ono-Lennon film *Give Peace a Chance*, based on their seven-day honeymoon bed-in for peace is of this sort. John Lennon's own pieces in the show, such as a "Baby Grand Guitar" on a vast scale is too close to Harpo Marx. Similarly, Lennon's contributions to the second edition of *Grapefruit* reduces Conceptual art to the level of *The Yellow Submarine* (a Beatles' franchise film, not an original). "This Is Not Here" inadvertently revealed the weakness of sentimental and frivolous uses of Conceptual art.

The early instruction paintings were dematerialized either by the difficulties of obeying many of the instructions or of checking to see if they had been carried out. Yoko Ono has shown great ability in the initiating proposal as a form, but a great deal of the work is what George Maciunas (who built much of the show) has termed monomorphic. That is to say, it is art that is of one form, like a shock, a Zen flash, a gag, one pointed thing. Displayed en masse, the sharpness of the separate pieces are often blurred. Yoko Ono provokes and incites well but she has had difficulties in structuring the uses of her work after the initiatory move. The show should certainly have been more than half a grapefruit.

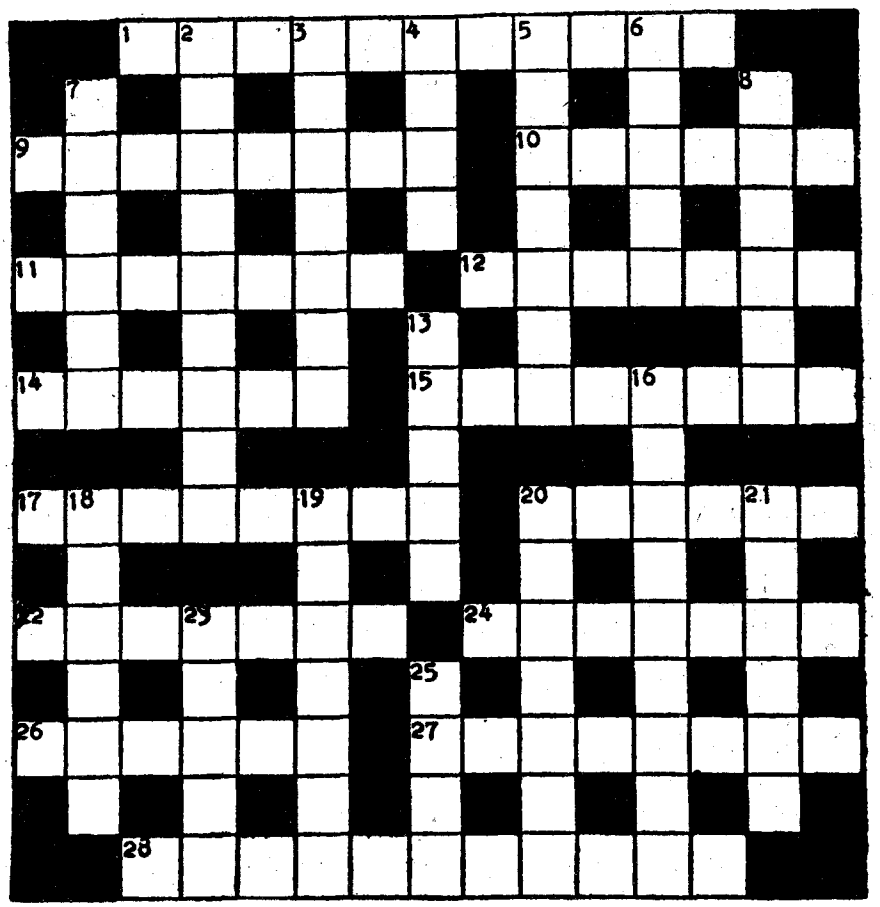
The problem at Syracuse became one of spectator participation, which often amounted to less than the original proposal. Dumb physical sharing means the loss of suspense and of wit and the works were blunted by it, though the atmosphere was very happy. A large see-through transparent maze was treated as a jungle gym, which is all right, but blocks other potentials of the piece. There is a difference in scale between the loft in which many of these pieces were originally shown or performed and a museum. Future shows of her work, or of related pieces and events to a public larger than their original audiences, will demand a form of organization in which physical participation does not become the enemy of attention.

Yoko Ono is famous for her *Film No. 4* (1967), a parade of 365 bottoms, but she has made other films which were part of the museum program at Syracuse. Outstanding among them is a new piece, no less obsessively monomorphic than *No. 4*, based on a scenario of 1968: "*Film No. 13*. Fly. Let a fly walk over a woman's body from toe to head and fly out of the window." This has now been filmed in color and at enormous magnification. The fly roams the body, which is sometimes seen as an indeterminate pink landscape but is usually clearly identifiable as the fly browses at ear, lip, groin and foot. The body gives an occasional twitch or brief shudder, but it retains an unbearable live immobility under the fly's endless busy walks. The sound track of sighs, titters, gasps, whimpers, song snatches, is like the hysterical reactions of the exposed nude woman —pulled from the viscera, not just spoken. In one long sequence the fly stands on the woman's breast, shifting about like a mechanized sculpture on the pink plinth of a nipple. It is Donne's flea as an erotic Lilliputian. Yoko Ono's sensibility is remorselessly stated here, in a way that exceeds the newer objects. □

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Crossword Puzzle No. 1415

FRANK W. LEWIS



ACROSS

1 and 27 It sounds as though Llewellyn's manservant was not very experienced! (3,5,3,2,6)
9 Would they keep you from roving from home, however crude, to the French? (8)
10 Such music sounds as though Shakespeare placed it full fathom five. (6)
11 Reads how to get through customs? (7)
12 Perhaps stunted because of his scholastic efforts? (7)
14 The way to help in the class is to teach! (6)
15 Silver island? (8)
17 and 7 down Getting nowhere in cottage industry? (Perhaps they're ones of fortune.) (8,6)
20 Productive layers do at times. (6)
22 Attribute something to an old writer? (7)
24 Starting toward the green, on the road, alternatively. (7)
26 After F and before J, for the leader. (6)
27 See 1 across
28 More than one choice of quiet words of approval for the job-hunter. (11)

DOWN

2 See 6 down
3 Baby, why sound out of it? (He wrote such ballads!) (7)
4 and 23 down Simple clause of conditional attachment, now on film. (4,5)
5 Tick, perhaps, born about under the collar. (7)
6 and 2 down Auction is probably the only one, though one might be warned by it. (1,4,2,7)
7 See 17 across
8 One who forbids a standard display? (6)
13 How one used to be transported by the scene of drama? (5)
16 Early poet who might show how to plunder a French city. (9)
18 A plot's construction might relate to a lot of letters. (6)
19 Summarizing where to find a variety of fiber? (2,5)
20 One vehicle and a larger one, or a lot of them, perhaps. (7)
21 Came ashore with a lot of property? (6)
23 See 4 down
25 One might start his best-known work with a book of verses. (4)

SOLUTION TO PUZZLE NO. 1414

ACROSS: 1 Populace; 5 Impair; 10 Noted; 11 Midstream; 12 Ratline; 13 Install; 15 Sleeper; 24 Dutiful; 26 Vibrant; 27 Outrigger; 28 Alice; 29 Relish; 30 Esteemed. DOWN: 1 Pantry; 2 Petitions; 3 Laddies; 4 Campers; 6 Matisse; 7 Arena; 8 Ramblers; 9 Admits; 16 Palladium; 17 and 14 Hold your horses; 19 and 18 Affairs of state; 20 Eulogy; 21 Reveres; 22 Cabbage; 23 Attend; 24 and 21 across Total recall.

EDUCATIONAL

HUMAN RELATIONS WORKSHOP
A Twelve Week Program
For Information Call:
(212) 543-9259- 9-5

EXTERNAL DEGREE PROGRAM for well informed, highly motivated adults wishing to complete undergraduate education. Two-week resident periods on Goddard campus alternate with six-month independent study projects carried on at home under faculty supervision. Program leads to Goddard Bachelor of Arts degree. **Write Box E, Adult Degree Program, Goddard College, Plainfield, Vermont 05667.**

PUBLICATIONS

FREE—Self-help Newsletter for Alcoholics. Current issue features **"THE ALCOHOLIC NUN"** (50c). Mail stamped addressed envelope for **PANORAMA** to: **Real New Books, Box 1432, GPO, N.Y.C. 10001.**

THE HUMANIST MANIFESTO
Victory Strategy for '72
America Needs this Book.
Send $2.25
CYPRESS HOUSE, Box 217, Miami, Fla. 33156

POLICE GAZETTE, Blizzard of '88 "Special," other 19th century magazines packed with lurid stories, buxom pin-ups, other fantastic pictures and ads. Originals cost up to $100. Four (4) complete facsimiles. all for only $5. **BYGONE JOURNALS, 150C East 50th, N.Y.C. 10022.**

RATE YOUR MATE with "COMPATIBILITY." Scientific, hard cover book computes the degree of compatibility between any two people by simply comparing handwritings! **$5.95 postpaid from RAYMO CREATIONS, Dept. 55, P.O. Box 277, Merrick, New York 11566.**

MUSIC

RECORDER, GUITAR, GAMBA MUSIC. Write for free listings. **Provincetown Bookshop, 246 Commercial St., Provincetown, Mass. 02657.**

FREE 64 PAGE CATALOG offers hundreds of recordings of rare **Renaissance, Baroque and Classical music.** Introductory records as low as $1.00 each! All late recordings. In Stereo only. **MHS Records, Box 932-NA, New York City 10023.**

SERVICES

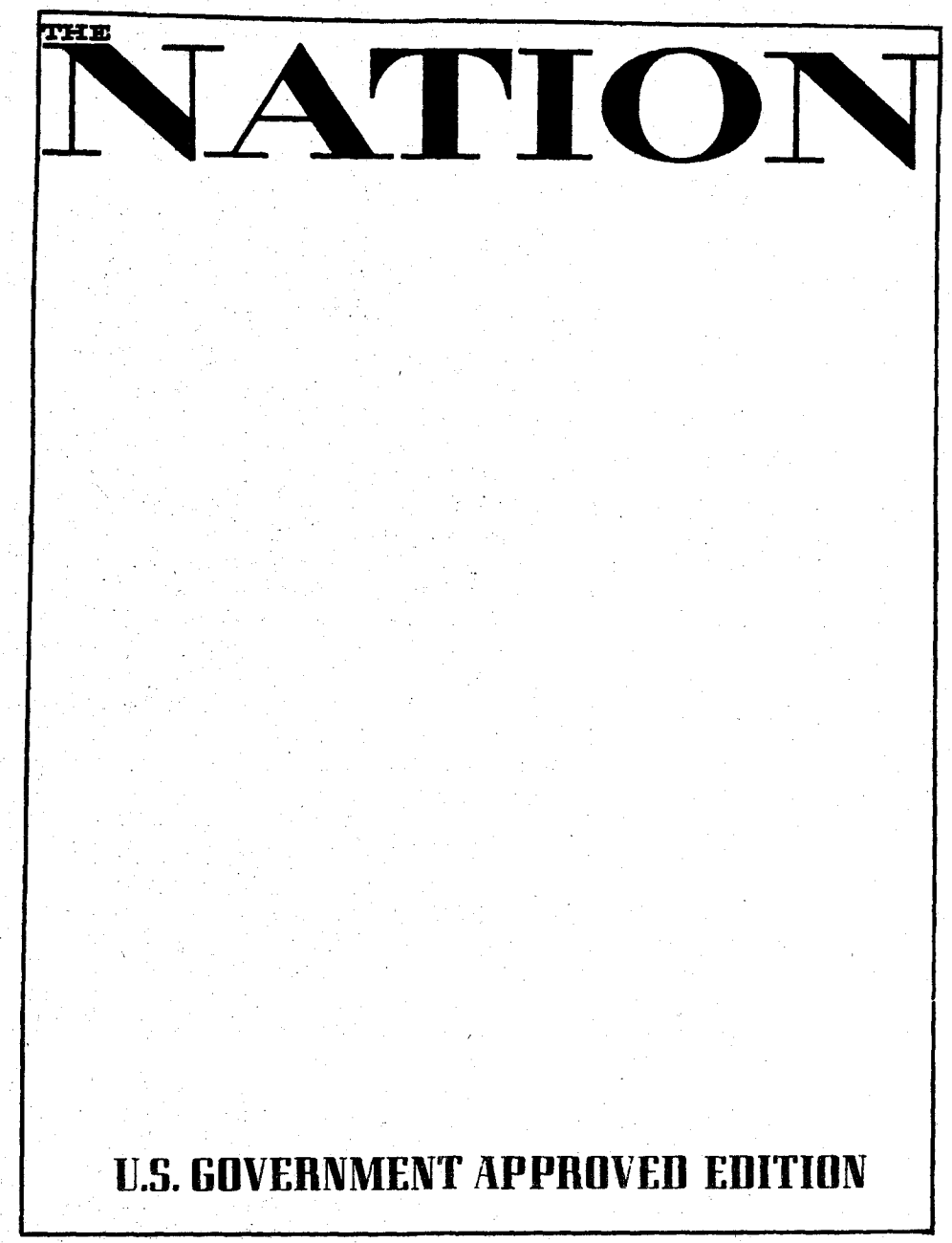
BOOK PRINTING—Paperbacks, hardcover, pamphlets. As few as 200 copies. Quality printing at Budget Prices. Free details. **Box 285N, Floral Park, N. Y. 11001.**

MOVING? Professional moving at competitive rates. Anytime, anywhere. Licensed, insured, experienced. **THE COVERED WAGON, ALgonquin 5-1788 (N.Y.C.)**

LAKETON VANS. The complete-service movers. Licensed, Insured, Trustworthy. Get the best for less. **Call (212) 672-5092.**

ADVERTISE YOUR NEEDS IN THE NATION

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



THE GOSPEL ACCORDING TO WASHINGTON

DO YOU BELIEVE?

SUBSCRIBE NOW.

JOIN THE HERETICS.

THE NATION

333 Sixth Avenue New York, N. Y. 10014

☐ I'll join you for 1 year (48 issues). I enclose $12.50.

☐ I'll try you for 6 months (24 issues). Enclosed $7.50.

(Add $1 per year postage for Canada and Mexico; $2 other foreign)

Name .....

Street .....

City..... State..... Zip.....

N-11-8

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED